



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNETC, FFT

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order as compensation for loss or damage under the Act, regulation, or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlords pursuant to section 72.

This matter was set for a conference call hearing at 1:30 p.m. on this date. Both parties participated in the hearing. JS testified that he was not served notice of this hearing from the tenant, but only through a courtesy reminder email on February 6, 2023 from the Branch that a hearing was scheduled for this date. The tenant stated that she served the landlords by registered mail in June 2022 but did not submit any documentation to corroborate her position nor was she able to provide the tracking number or exact date when it was sent.

The reminder email from the Branch is simply a courtesy to the parties and not a substitute for the requirements that an applicant must complete as part of serving their application. The tenant was unable to satisfy me that the landlords have been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period. The tenants request for the filing fee is dismissed without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 13, 2023

Residential Tenancy Branch