



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VENTURE WEST
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, OLC

Introduction

On May 16, 2022, The Tenant applied for Dispute Resolution seeking a monetary order for money owed or compensation for damage or loss under the *Act*. On June 28, 2022, the Tenant amended the application to include a new a monetary claim for \$25,000.00 and for an order for the Landlord to comply wit the *Act*, Regulation or tenancy agreement.

The matter was set as a teleconference hearing. The Tenant attended the hearing; however, the Landlord did not.

Since the Landlord was not in attendance, the Tenant was asked when and how he served the Landlord with the Notice of Dispute Resolution Proceeding. The Tenant stated that he believes he sent it by registered mail. The Tenant did not provide any documentary evidence to support his testimony on when he served the Landlord with notice to attend the hearing.

The RTB Rules of Procedure provides that at the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the *Act* and these Rules of Procedure. An applicant must provide proof of service by submitting RTB 9 Proof of Service - Notice of a Dispute Resolution form one day after serving the Notice of Dispute Resolution Proceeding Package and at least two days before the hearing. Failure to do this may result in the application being dismissed or the hearing being rescheduled or adjourned to a later date.

The Tenant stated that he didn't think he had enough information to proceed and that he tried get an advocate to assist him but was unable. The Tenant asked what information he will need to provide to proceed.

I find that the Landlord has a right to know the case against them and to have an opportunity to respond the Tenant's claims. The Landlord was not present and I find that the Tenant was not certain on when the Landlord was served and he provided no documentary evidence to support that the Landlord was served.

I am not persuaded that the Landlord was served with notice of this hearing in accordance with sections 89 and 90 of the Act. The Tenant's application is dismissed with leave to reapply.

The Tenant was informed that if he reapplies for dispute resolution he should provide proof of service, and documentary evidence to support his claims.

The Tenant was informed that he can call the RTB and speak to an information officer if he has more questions or needs more information about the hearing process.

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 09, 2023

Residential Tenancy Branch