



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## DECISION

Dispute Codes      CNR, RR, OLC

### Introduction

On May 4, 2020, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) to cancel a One-Month to End Tenancy for Cause, (the “Notice”) dated November 30, 2022, for an order to reduce rent for repairs, services or facilities agreed upon but not provided, and for an order for the Landlord to comply with the *Act*. The matter was set for a conference call.

The Tenant attended the hearing; as the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing documents was considered. Section 59 of the *Act* and section 3.1 of the Residential Tenancy Branch Rules of Procedure state that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing within three days of the Notice of Dispute Resolution Proceeding Package being made available to the applicant by the Residential Tenancy Branch.

### **“3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package**

“The applicant must, within **three days** of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for

Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].”

The Tenant testified that they had personally served the Application for Dispute Resolution, and the Notice of Hearing document to the Landlord. The Tenant was asked to provide proof of this service; the Tenant testified that they had not submitted any evidence to prove this service. The Residential Tenancy Branch Rules of Procedure goes on to state that an applicant must be prepared to provide proof of service:

**“3.5 Proof of service required at the dispute resolution hearing**

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.”

As the service of the Notice of Dispute Resolution Hearing documents cannot be verified, I find that the Landlord had not been duly served in accordance with sections 3.1 of the Residential Tenancy Branch rules of procedure. Therefore, I dismiss the Tenant’s application.

Conclusion

I dismiss the Tenant’s application with 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: April 12, 2023

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Residential Tenancy Branch