



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

Landlord: MNDCL, FFL  
Tenants: MNDCT, MNSD, FFT

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the Residential Tenancy Act (the Act).

The Landlord named above is the agent for the owners. The Landlord's application was made on July 18, 2022. The Landlord applied for the following relief pursuant to the Act:

- an order granting compensation for monetary loss or other money owed; and
- an order granting recovery of the filing fee.

The Tenants' Application was made on July 23, 2022. The Tenants applied for the following relief pursuant to the Act:

- an order granting compensation for monetary loss or other money owed;
- an order that the Landlord return the security deposit and/or pet damage deposit;
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by AP, an agent. The Tenants attended the hearing on their own behalf. All in attendance provided a solemn affirmation at the beginning of the hearing.

On behalf of the Landlord, AP testified that the Notice of Dispute Resolution Proceeding package relating to the Landlord's application was served on the Tenants by email. The Landlord did not submit a copy of the email or any other documentation in support of service. The Tenants acknowledged receipt of an email but could not confirm exactly when it was received and what, if any, evidence was attached.

On behalf of the Tenants, DV testified the Notice of Dispute Resolution Proceeding package relating to the Tenants' application was served on the Landlord by leaving a copy with an employee at the Landlord's office. The Tenants did not submit any other documentation in support of service. AP advised he was unable to confirm what was in the package he received.

Principles of procedural fairness and natural justice require that parties to a dispute resolution proceeding be aware of the claims against them. This means, in part, that any evidence to be relied upon by a party making a claim must be provided to the other party so that it can be considered and a response can be made.

Parties to a dispute resolution proceeding should come to the hearing prepared to prove that documents to be relied upon were served on the other party in accordance with the Act and the Rules of Procedure. In this case, I find that neither party provided sufficient proof of service of their respective Notice of Dispute Resolution Proceeding packages or evidence. Further, I find that neither party expressed confidence about what was received.

Considering the above, and in the interest of ensuring the principles of procedural fairness and natural justice are adhered to, I find that the parties' applications are dismissed with leave to reapply. Although this will result in some delay in having their matters dealt with, I find the prejudice to the parties is minimal as both parties are seeking monetary relief. Both will have an opportunity to have their applications heard another day.

The parties are encouraged to review and consider the Residential Tenancy Branch Rules of Procedure, available online, before reapplying for relief. If any questions arise, the parties are encouraged to contact an Information Officer at the Residential Tenancy Branch for assistance:

**Lower Mainland:** 604-660-1020

**Victoria:** 250-387-1602

**Elsewhere in BC:** 1-800-665-8779

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 14, 2023

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Residential Tenancy Branch