



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNDCT OLC FFT

Introduction

This dispute relates to the tenant's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

1. \$400 for cable and wifi costs,
2. Order directing landlord to comply with the Act, Regulation or tenancy agreement,
3. \$100 filing fee.

The parties listed on the cover page of this decision attended the hearing and were affirmed or promised to tell the truth.

Preliminary and Procedural Matters

During the hearing, the landlord and their spouse testified that they only received 2 single-sided pages of the Notice of Dispute Resolution Hearing (Notice of Hearing). The Notice of Hearing document is a 4-page document. The tenant testified that they served 2 single-sided pages on the landlord. The tenant later attempted to change their testimony and were advised that they were not being permitted to do so as they were affirmed to tell the truth, the whole truth, and nothing but the truth.

The landlord stated that they had to call the RTB to get clarification on what was happening.

Analysis

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received all 4 pages of the 4-page Notice of Hearing. Pages three and four of the Notice of Hearing include the link to upload their documentary evidence and a unique access code. It also sets out the details of the tenant's monetary claim. I find that by only serving the first 2 of the 4-page Notice of Hearing that the tenant has failed to properly serve the landlord and that proceeding would violate the Principles of Natural Justice, three of which are to ensure all parties were sufficiently served, are aware of the claim being made by the other party, and be given the opportunity to respond by having the unique access codes to upload rebuttal evidence.

Given the above, I **dismiss** the tenant's application **with leave to reapply**. I am not satisfied that the landlord has been sufficiently served with the original Notice of Hearing which includes the tenant's application based on the testimony before me.

Due to a service issue, I do not grant the filing fee.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

The filing fee is not granted. The decision will be emailed to both parties.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 6, 2023

Residential Tenancy Branch