



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Code ARI-E

This hearing dealt with the application pursuant to section 43 of the Residential Tenancy Act (the Act) and 23 of the Residential Tenancy Regulation (the Regulation) for an additional rent increase.

Landlord LC (the Landlord) attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

I left the teleconference connection open until 9:54 A.M. to enable the tenant to call into this teleconference hearing scheduled for 9:30 A.M. The tenant did not attend the hearing.

The Landlord affirmed he registered mailed the application form (RTB52) to the Tenant on March 1, 2024.

The Residential Tenancy Branch (RTB) issued the notice of dispute resolution proceeding (the Notice) on March 19, 2024 and emailed it to the Landlord on that date. The Landlord stated that he believes he received the Notice from the RTB.

Rule of Procedure 3.1 states:

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 or within a different period specified by the director, serve each respondent with copies 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) any fact sheets 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].

Rule of Procedure 11.1 provides the applicant must also serve: “In addition to the documents specified in Rule 3.1, the applicant must serve each respondent with the Additional Rent Increase for Capital Expenditures fact sheet (RTB151).”

Section 89(1) of the Act states an applicant must serve the application for dispute resolution: in person, by registered mail to the address at which the person resides or by email, if the parties agreed in writing to serve documents via email.

Based on the Landlord’s testimony, I find the Landlord did not serve the Notice, as he registered mailed the application form on March 1, 2024 but the Notice was only available on March 19.

Thus, I find the Landlord failed to serve the Notice in accordance with section 89(1) and Rules of Procedure 3.1 and 11.1.

It is not fair to proceed with the hearing, as the respondent did not receive the Notice.

Thus, I dismiss the application.

I grant the Landlord leave to reapply, as I did not hear the merits of this application. Leave to reapply is not extension of any applicable timeline.

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

Dated: June 11, 2024

Residential Tenancy Branch