



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RPP, FF

Introduction

This is an application for an Order for return of personal property, and a request for a Monetary Order for \$1000.00. The applicant is also requesting recovery of the \$50.00 filing fee.

No hearing was held however because the applicant failed to serve the respondent with the Notice of Hearing within the required time limit.

Section 59(3) Of the Residential Tenancy Act states:

59 (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

In this case the applicant filed for dispute resolution on April 26, 2013, however the documents were not served on the respondent until approximately 2 weeks ago, well outside the three-day timeframe.

I am therefore not willing to proceed with the hearing

Conclusion

This application is dismissed 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: July 22, 2013

Residential Tenancy Branch

