



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      MNDC, RP, RR

### **Introduction**

This hearing dealt with an application for dispute resolution by the tenant, pursuant to sections 67, 32 and 65 of the *Residential Tenancy Act*. The tenant applied for a rent reduction, for an order directing the landlord to carry out repairs and for monetary order for compensation for loss under the *Act*.

The tenant attended this hearing accompanied by legal counsel. The landlord did not attend the hearing. The tenant was given full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### **Preliminary and Procedural matters**

As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. Section 59 (3) of the *Residential Tenancy Act* states that 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.

The purpose of serving a Notice of Hearing and Application for Dispute Resolution to the respondent is to notify the person being served of matters relating to arbitration and to provide the person with an opportunity for rebuttal.

The tenant testified that the Application for Dispute Resolution and Notice of Hearing were sent to the landlord on October 13, 2020 by registered mail to the address of a unit in the building that is owned by the landlord. The tenant provided a copy of the title as proof of ownership. The package was returned to the tenant.

During the hearing, the tenant stated that the landlord does not live at this address but comes by to collect rent. The tenant testified that the landlord did not provide her with any contact information other than an email address. There is no written tenancy agreement.

Rule 3.5 of the *Rules of Procedure* addresses proof of service required at the dispute resolution hearing. At the hearing, the parties must be prepared to demonstrate to the satisfaction of the arbitrator that other party was served with the Application for Dispute Resolution, the Notice of Hearing and Evidence as required by the Act and these Rules of Procedure.

In this case the tenant stated that she had served the landlord with the Notice of Hearing and Evidence package but did not provide proof of having served it to the address at which the landlord resides.

### **Conclusion**

The tenant's 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: December 17, 2020

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Residential Tenancy Branch