



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## DECISION

Dispute Codes      MNDCT

### 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. \$11,208.39 for compensation for monetary loss or other money owed.

The tenant amended their application on August 11, 2023, to increase the monetary claim from \$11,208.39 to \$13,708.29. The tenant was affirmed.

### Preliminary and Procedural Matters

The tenant did not include an email address in their application. The tenant stated that they did not provide an email address as they no longer have access to their email address related to the Previous Decision. In addition, the tenant listed their phone number as "0000000000" which is not a valid phone number.

The tenant provided the rental unit address as their service address but also confirmed that they vacated in September 2022, which is just a couple weeks after they were to serve the landlord by August 12, 2022. The tenant was also asked why a copy of the written tenancy agreement was not submitted, which the tenant stated they did not think was necessary. The tenant failed to amend their service address by updating the RTB Dispute Management System (DMS) with their new forwarding address.

### Analysis

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the tenant's email address, phone number or correct mailing address for service purposes. I find that within a couple weeks of having to

serve the respondent, the tenant moved and failed to update the RTB DMS with their current service address. I am therefore not convinced that the respondent had the ability to properly respond due to the service issue.

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 amended Notice of Hearing and application in a manner that included sufficient information for the respondent to respond to the tenant's application.

As the filing fee was waived, there is no filing fee to consider further.

### Conclusion

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

This decision does not extend any applicable time limits under the Act.

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: April 18, 2023

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Residential Tenancy Branch