



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNETC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (Application) filed by the former Tenant under the *Residential Tenancy Act* (the Act), on July 19, 2022, seeking:

- 12 months compensation under section 51 of the Act; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call on April 17, 2023, at 1:30 pm and was attended by the former Tenant, who provided affirmed testimony. The Purchaser did not attend, and no documentary evidence was submitted by the former Tenant for my consideration.

The former Tenant was advised that inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The former Tenant was asked to refrain from speaking over me and to hold their questions and responses until it was their opportunity to speak. The former Tenant was also advised that personal recordings of the proceedings were prohibited under the Rules of Procedure and confirmed that they were not recording the proceedings.

The Residential Tenancy Branch Rules of Procedure (Rules of Procedure) state that the respondent must be served with a copy of the Application and Notice of Hearing. Residential Tenancy Branch (Branch) records indicate that the Notice of Dispute Resolution Proceeding (NODRP) was emailed to the former Tenant on August 5, 2022, to be given or sent to the Purchaser by August 8, 2022. At the hearing the Tenant stated that it was not served on the Purchaser as they never met them and do not have their address. As a result, I am satisfied that the former Tenant failed to serve the

Purchaser with the NODRP as required by section 59(1) of the Act and Rule 3.1 of the Rules of Procedure.

The opportunity to know the case against you and the opportunity to respond and be heard are fundamental to the dispute resolution process. As the Purchaser was not served with the NODRP, I find that they did not have a fair opportunity to know the case against them or appear at the hearing and submit evidence and testimony in their defense. As a result, the Application is dismissed with leave to reapply, except for the claim for recovery of the filing fee, which is dismissed without leave to reapply.

Conclusion

The former Tenant's Application is dismissed with leave to re-apply, except for the claim for recovery of the filing fee, which is dismissed without leave to reapply. This is not an extension of any statutory deadline.

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

Dated: April 17, 2023

Residential Tenancy Branch