

DECISION

Dispute Codes DRI, RP, RR

Introduction

This hearing was convened by conference call to deal with the tenant's application to dispute an additional rent increase, for an order that the landlord make repairs to the unit, site or property, and for an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The landlords did not attend the hearing, and when questioned about service of the Tenant's Application for Dispute Resolution and the Notice of Hearing documents, the tenant advised that another person who is not a party to this dispute served the package. That person was not present at the hearing to provide verbal testimony about how and when service was effected, and no Affidavit of Service or other evidence was provided in advance of the hearing.

Analysis

The *Residential Tenancy Act* requires that the applicant serve each respondent with the Application for Dispute Resolution. Further, the Residential Tenancy Branch Rules of Procedure states that the applicant must serve each respondent with the application and information package provided by the Residential Tenancy Branch, along with the details of any monetary claim being made and any other evidence that the applicant intends to rely on at the hearing. The person who served the documents must attend the hearing to testify, or the applicant may submit an affidavit of service, sworn by the person who served the documents, informing the Dispute Resolution Officer how the service was accomplished, in advance of the hearing.

Conclusion

The application is hereby 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: March 26, 2010.

Dispute Resolution Officer