



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes DRI, MNDC, OLC, ERP, RR, FF

Introduction

This matter dealt with an application by the Tenants to dispute a rent increase, to recover overpayments of rent, for an Order that the Landlords comply with the Act by making emergency repairs, for a rent reduction or compensation for repairs not being made and to recover the filing fee for this proceeding.

The Tenants gave evidence at the hearing on each of their claims and were advised that a Decision would be issued regarding the application for repairs and compensation, however after the hearing ended, the Dispute Resolution Officer discovered a defect in the way the Tenants had served their application the Landlords. In particular, the Tenants said they served the Landlord, B.P., and the corporate Landlord with the Application and Notice of Hearing (the "hearing package") on January 18, 2011 by leaving a copy of it in the mail box at the address indicated on the Landlords' business card (which is also on their application). However, section 89(1) of the Act says that an application for dispute resolution ***must be served on a Landlord or a Landlord's agent either in person or by registered mail.*** I find that the Tenants did not serve the Landlords with their hearing package in one of these ways and as a result, their application is dismissed with leave to reapply.

Conclusion

The Tenants' 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: February 03, 2011.

Residential Tenancy Branch