



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      ERP, RR

### Introduction

This matter dealt with an application by the Tenants for an Order that the Landlord make emergency repairs and for a rent reduction. The Tenant's advocate said she served the Landlord with the Application, Notice of Hearing and evidence package (the "hearing package") on March 7, 2011 by registered mail. Section 90 of the Act says that a document delivered by mail is deemed to be received by the recipient 5 days later. Based on the evidence of the Tenant (J.M.B.), I find that the Landlord was served with the Tenants' hearing package and the hearing proceeded in the Landlord's absence. The Tenant J.M.B. admitted that he received the Landlord's written submissions and evidence package that was filed with the Residential Tenancy Branch.

At the beginning of the hearing, the Tenant (J.M.B.) claimed that he moved out of the rental unit on March 15, 2011 after he and his co-Tenant were served by the Landlord with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Landlord also claimed in his written submissions dated March 8, 2011 that he intended to end the tenancy of both Tenants and had served them with a Notice for non-payment of rent. The Tenant (J.M.B.), however claimed that his co-Tenant is still residing in the rental unit.

The Application for Dispute Resolution was signed only by the Tenant, J.M.B. The other Tenant named on the application (J.P.N.) did not attend the hearing and did not authorize anyone in writing to act as his agent at this hearing. Consequently, I dismiss the Tenants' application but grant the Tenant, J.P.N., leave to reapply in the event his tenancy continues.

### 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: March 16, 2011.

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Residential Tenancy Branch