



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, ERP, RP, RR, FF

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution seeking an order to have the landlord complete repairs and emergency repairs; to reduce rent; and to a monetary order.

The original hearing was conducted via teleconference on April 16, 2012 and was attended by the female tenant only. The reconvened hearing was conducted via teleconference on May 9, 2012 and was attended by the male tenant and the landlord.

Section 59(3) of the *Residential Tenancy Act (Act)* stipulates that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

In the original hearing the female tenant testified that despite submitting their Application for Dispute Resolution on March 26, 2012 they did not serve the landlord with any documentation regarding the hearing until April 12, 2012. As such and in the absence of the landlord at that hearing I adjourned the matter to May 9, 2012 and ordered the tenants to serve the landlord with a copy of their application; their evidence; and the notice of reconvened hearing documents within 3 days of receiving the new hearing documents from the Residential Tenancy Branch.

The landlord confirmed, in the second hearing that he had received copies of the notice of reconvened hearing from the tenants but that he had not received a copy of the Application or the tenant's evidence. The male tenant testified that he had served the landlord with the notice of reconvened hearing documents as soon as they received them and had served the landlord with a copy of the Application and their evidence on May 2, 2012.

Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to an order requiring the landlord to make emergency repairs and repairs; to a reduction in rent for repairs, facilities or services agreed upon but not provided; to a monetary for compensation for damage or loss and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 32, 33, 67, and 72 of the *Act*.

Conclusion

As the tenants failed to provide the landlord with a copy of their Application for Dispute Resolution within the 3 days required under Section 59(3) of their original filing or within the 3 days of receipt of the notice of reconvened hearing documents in accordance with my order, I dismiss the tenants' Application in its entirety 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: May 10, 2012.

Residential Tenancy Branch