



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, ERP, RP, PSF, LRE, RR

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for an order cancelling a notice to end tenancy for unpaid rent or utilities; for an order that the landlord comply with the *Act*, regulation or tenancy agreement; for an order that the landlord make emergency repairs for health or safety reasons; for an order that the landlord make repairs to the unit, site or property; for an order that the landlord provide services or facilities required by law; for an order suspending or setting conditions on the landlord's right to enter the rental unit; and to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The tenant and the landlord and the landlord's spouse attended the conference call hearing.

During the course of the hearing, the tenant withdrew all claims with the exception of the application for an order that rent be reduced for repairs, services or facilities agreed upon but not provided.

Also, during the course of the hearing, the landlord stated that the tenant did not serve the Tenant's Application for Dispute Resolution until May 28, 2013. The tenant responded that the landlord was served personally on May 23, 2013.

The *Residential Tenancy Act* states as follows:

(3) Except for an application referred to in subsection (6), 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.

Regardless of whether the application was served on May 23 or May 28, 2013, I find that the tenant has not complied with the *Act*, and the landlord may be prejudiced by such a delay. Therefore, I dismiss the tenant's application with leave to reapply.

Conclusion

For the reasons set out above, the tenant's application for an order allowing the tenant to reduce rent for services or facilities agreed upon but not provided is hereby dismissed with leave to reapply.

The balance of the tenant's application is hereby dismissed as withdrawn.

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: June 07, 2013

Residential Tenancy Branch