



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OLC, EMR, RP, FF O

### Introduction

This matter dealt with an application by the Tenant for monetary compensation from the Landlord for the cost of emergency repairs, for general repairs to the unit, site or property, for the Landlord to comply with the Act, regulations or tenancy agreement, to recover the filing fee for this proceeding and for other considerations.

The Tenant said she served the Landlord with the Application and Notice of Hearing (the “hearing package”) by registered mail on August 26, 2013. The Application was accepted on August 2, 2013 by the Residential Tenancy Branch and the hearing package was to be served to the Landlord by August 5, 2013. The Tenant said she served the Landlord late on August 26, 2013 because she had been ill. The Tenant did not provide any corroborating evidence as in a postal receipt or a tracking information slip to confirm that service of the hearing package was completed. Based on the evidence of the Tenant, I find that it is unclear if the Landlord was served the hearing package. Further as the Landlord did not attend the hearing it is not possible to confirm if the Landlord was aware of the hearing. I find the Tenant did not meet the service requirements of s. 89 of the Act therefore: I dismiss the Tenant’s application with leave to reapply.

Conclusion

The Tenant's 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: September 10, 2013

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Residential Tenancy Branch

