



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RR

This hearing was set to deal with an application by the tenant for a monetary order and an order reducing the rent. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, actually received on June 12, 2014, the landlord did not appear.

The tenant had previously filed an application for a repair order. In a decision dated May 12, 2014, the arbitrator ordered the landlord to make certain repairs to the rental unit on or before May 20, 2014. The decision also included the following direction:

“The tenant is at liberty to make a further application for dispute resolution seeking a rent reduction or other financial compensation if the landlord has not complied with these orders by May 20, 2014.

Although the tenant had served this application for dispute resolution on the landlord by registered mail she had not served the previous decision on him. The tenant and her advocate thought the Residential Tenancy Branch would provide all parties with a copy of the decision.

The reason for the tenant not serving the decision on the landlord is understandable. Neither the decision itself nor the information page attached to the decision tells the tenant that the decision should be served on the landlord. However, before an arbitrator can order a financial penalty against a party for failing to comply with a previous arbitrator's order, the arbitrator must be satisfied that the respondent was properly served with the order. The Residential Tenancy Branch processes do not provide proof of that. Accordingly, the tenant's application is dismissed with leave to re-apply.

In this hearing the tenant was advised to serve the May 12 order on the landlord by registered mail and to file the post office receipt for that service as part of the evidence in support of any future application.

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: August 05, 2014

Residential Tenancy Branch

