



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, MNDC, OLC, FF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order and to dispute several rent increases.

The hearing was conducted via teleconference and was attended by the tenant.

Prior to the hearing the tenant submitted a signed statement that the landlord was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by placing them through the landlord's mail slot at his home on June 30, 2014.

At the hearing I asked the tenant if she had spoken to the landlord since she had served him with these documents and she indicated that she had but in relation to the landlord showing the property, which is now for sale, to potential buyers. The tenant indicated that they had not discussed her claim and that she had not received anything from the landlord in response to her claim, although she states she did not expect any written responses.

Section 89 of the *Act* stipulates that an application for dispute resolution, when required to be given to one party by another, must be given in one of the following ways:

- (a) By leaving a copy with the person;
- (b) If the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) By sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) If the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) As ordered by the director under section 71 (1).

As the tenant has failed to serve the landlord with notice of this hearing and her Application for Dispute Resolution in accordance with Section 89, I find the tenant has failed to serve the landlord as required for the purposes of her claim.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel several rent increases; to a monetary order for an overpayment of rent increases; for an order to have the landlord comply with the *Act*, regulation or tenancy agreement and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 43, 67, and 72 of the *Act*.

Conclusion

Based on the above, I dismiss the tenant's Application for Dispute Resolution 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: August 20, 2014

Residential Tenancy Branch

