



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, O, SS, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for an order to the landlord to make repairs (and/or emergency repairs) to the rental unit pursuant to section 33; another order pursuant to the Act with respect to payment of utilities; and authorization to recover his filing fee for this application from the landlord pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. The tenant testified that, as a means of service, he provided his Application for Dispute Resolution package to a handyman at the landlord's residence on or about December 20, 2014. This handyman was unable to speak English however the landlord's agent confirmed that the package was received. Pursuant to section 71(2)(c), I find this package to be sufficiently given to the landlord.

The tenant's application with respect to substituted service was made in error. He sought to provide late evidence regarding the payment of utilities and photographs of the mold in his rental unit. The tenant and landlord's agent both testified that the repairs requested by the tenant have been made and the issue he raised with respect to mold, in bringing this application, had been resolved. Given the withdrawal of his application, it was unnecessary to address the evidentiary matters.

The tenant withdrew his current application in its entirety but for the application for recovery of his filing fee. The landlord's agent was unable to respond to the tenant's claim with respect to payment of utilities and the tenant had been unable to provide evidence to the landlord based on their lack of availability to him and his busy schedule.

The tenant was unprepared to proceed with his application at this time. Under these circumstances, I dismiss the tenant's application to recover his filing fee without leave to reapply. The tenant remains at liberty to make application for further orders within the appropriate timelines.

Conclusion

The tenant withdrew his application with respect to repairs and payment of utilities. The application is therefore withdrawn. I dismiss the tenant's application to obtain a recovery of his filing fee without 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: January 19, 2015

Residential Tenancy Branch

