



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP, OLC, RP, RR, 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 emergency repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not participate in the conference call hearing, which lasted approximately 10 minutes. The tenant attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

### Preliminary Issue – Service of Application

The tenant testified that she attempted to personally serve the tenant's application for dispute resolution hearing package to the landlord's workplace sometime in early September 2016. The landlord was not available so the tenant left a package with the receptionist.

Following this, the tenant testified that she forwarded the tenant's application for dispute resolution hearing package via registered mail to the landlord's workplace. The tenant could not recall the date of service or provide a tracking number as proof of service. The

tenant testified that the receptionist contacted her sometime in September of 2016 confirming receipt of the package. In the absence of the landlord confirming service, a date of service or tracking number, I find that the tenant has not established she has served the application for dispute resolution to the landlord as required under the *Act*.

Conclusion

I dismiss the tenant's entire application with leave to re-apply.

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: October 24, 2016

---

Residential Tenancy Branch