



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

RR ERP FFT

Introduction

This hearing was convened pursuant to the tenant's application made November 12, 2017 for repairs and reduction of rent and recovery of the filing fee.

The tenant and the landlord's representative participated in the teleconference hearing.

Preliminary Issue – Service of Documents

In the hearing the landlord stated that they did not receive Notice of the hearing (Notice of Hearing) until January 17, 2018, less than 2 weeks before the hearing. The landlord stated they received the tenant's evidence at the same time and had they been notified of a hearing earlier would have submitted their evidence to the tenant and this hearing. The tenant acknowledged they had not served the landlord until recently nor within the required time to do so, nor earlier because they did not think they would still be residing in the rental unit.

Section 59 of the Act, in relevant part, states,

Starting proceedings

- 59** (3) Except for an application referred to in subsection (6), a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

I find that the tenant was provided the Notice of Hearing for this proceeding on November 20, 2017 however did not serve the landlord pursuant to Section 59 of the

Act with their application, and further having ultimately done so did not provide the landlord with their evidence within the time prescribed by the Rules of Procedure, all so as the landlord could reasonably respond to the tenant's claims.

I therefore must **dismiss** the tenant's application, with leave to reapply.

Conclusion

The tenant's application is dismissed with leave to reapply.

This Decision is final and binding.

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 31, 2018

Residential Tenancy Branch