



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding TASIC DEVELOPMENTS  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR MNDC ERP RP PSF RR FF

### Introduction

This hearing dealt with the tenants' Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") for a monetary claim in the amount of \$12,100.00 for the cost of emergency repairs for health or safety reasons, for other costs claimed by the tenants, for an order for emergency repairs for health or safety reasons, for an order for regular repairs to the unit, site or property, for an order for the landlord to provide facilities or services required by the tenancy agreement or law, for a rent reduction due to services or facilities not provided and to recover the cost of the filing fee.

The tenants and landlords and a landlord advocate attended the teleconference hearing. The hearing process was explained to the parties and the parties were affirmed.

The tenants confirmed that they received the landlords' evidence and that they had the opportunity to review it. The landlords testified that they were not served with any documentary evidence in support of the tenants' claim that they said has no merit. The male tenant testified first that the landlord was served in late December (of 2017) which was impossible as the Notice of Hearing document was not created until January 3, 2018. The male tenant then testified under oath that one package was mailed to the landlords by registered mail on January 3, 2018 but that the tenants could not locate the registered mail tracking number to support their testimony. The tenants were advised that they uploaded their evidence a month late in February 2018 at which time the female tenant then completely contradicted the male tenant and testified that a separate package was sent to the landlords later but not by registered mail. The landlords vehemently denied receiving anything but the application which did not indicate what the so-called emergency repairs were that were being claimed.

Both parties have a right to a fair hearing and the landlords would not be aware of the hearing without having received the Notice of a Dispute Resolution Hearing and application and sufficient details of the claim against them and the supporting evidence.

In addition to the above, there was no evidence provided by the tenants that the digital evidence uploaded was ever served on the landlords and that the digital evidence service complied with the Rules of Procedure.

Given the above, I am not satisfied that the landlords were sufficiently served as required by the *Act* and therefore, **I dismiss** the tenants' application **with leave to reapply due to a service issue**. I note that this decision does not extend any timelines under the *Act*.

I do not grant the tenants' the recovery of the cost of the filing fee.

I note that the parties provided their email addresses during the hearing which were confirmed. This decision will be sent by email to both parties.

### Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue. I note that this decision does not extend any applicable timelines under the *Act*.

The tenants are not granted the recovery of the cost of the filing fee.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: March 1, 2018

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Residential Tenancy Branch