



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      RP

### Introduction

This hearing dealt with the tenant's application pursuant to section 33 of the *Residential Tenancy Act* (the *Act*) for an order to the landlord to make repairs to the rental unit.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:44 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. The tenant and her legal advocate attended the hearing and were given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

At the commencement of the hearing, the tenant's legal advocate testified that the tenant had sent the landlord a copy of the dispute resolution hearing package by registered mail on January 8, 2018. Although the tenant had not retained a copy of the Canada Post Tracking Number or customer receipt, the tenant spoke with the landlord about a week before this hearing and confirmed that the hearing package had been received by the landlord. The tenant's legal advocate noted that the hearing package had not been returned by Canada Post.

Without any written evidence of the registered mailing of the dispute resolution hearing package and without the tenant's identification of the Canada Post Tracking Number to confirm this mailing, I find that the tenant has not adequately demonstrated to the extent required that the landlord has been served with a copy of the tenant's dispute resolution hearing package in accordance with section 89 of the *Act*. I dismiss the tenant's application with leave to reapply.

### Conclusion

The tenant's application is dismissed 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: March 05, 2018

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Residential Tenancy Branch