

Dispute Resolution Services

Page: 1

Residential Tenancy Branch Office of Housing and Construction Standards

CORRECTION DECISION

Dispute Codes RP, MNDCT, FFT

<u>Introduction</u>

The applicant has requested a correction to a decision of the Residential Tenancy Branch dated May 3, 2018. The original hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order for regular repairs, pursuant to section 33; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant's amended application sought a monetary Order for damage or compensation under the Act pursuant to section 67 of the *Act*.

Section 78 of *Residential Tenancy Act* enables the Residential Tenancy Branch to correct typographic, grammatical, arithmetic or other similar errors in a decision or order, or deal with an obvious error or inadvertent omission in a decision or order.

In my original decision I recorded the following testimony and made the following finding:

The tenant testified that she served the landlord with the amendment package by regular mail sometime during the week of April 9, 2018. The landlord confirmed that he received the amendment package on April 16, 2018 and that he had enough time to review and respond the materials it contained. While the amendment package was not served in accordance with section 89 of the *Act*, I find that, pursuant to section 71 of the *Act*, the amendment package was sufficiently served on the landlord on April 16, 2018.

Page: 2

In the Request for Correction, the applicant wrote that she misunderstood the question and that the amendment package was actually sent via registered mail on February 24, 2018 and that the monetary order worksheet was mailed during the week of April 9, 2018. The tenant provided a Canada Post Tracking Number to confirm the February 24, 2018 registered mailing.

The original decision is based on the evidence submitted in the application and amendment and the testimony heard at the hearing. In this case, the applicant testified that she served the landlord with the amendment package sometime in the week of April 9, 2018. I accurately recorded the applicant's testimony in my May 3, 2018 decision. An application for correction is not the appropriate forum in which to have your claim re-heard or to submit evidence that was not included in the original application.

I note that changing the date the amendment package was deemed served on the landlord to an earlier date would have no impact on the outcome of my decision as I found in my original decision that the amendment package was sufficiently served on the landlord pursuant to section 71 of the *Act*.

I decline to make any correction and I confirm my original decision.

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: May 11, 2018

Residential Tenancy Branch