



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REGENT PARK PINNACLE REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RR, FFT

Introduction

The Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting an order to reduce the rent for services agreed upon but not provided by the Landlord, and to recover the cost of the Filing Fee. The matter was set for a participatory hearing via conference call.

The Tenant HL attended the conference call hearing; however, the Landlord did not. The Tenant HL testified that she was aware that the Notice of Hearing (the “Notice”) was served to the Landlord; however, could not provide any information with regards to the date or how the Notice was served. Tenant HL stated that she thought her husband, Tenant HG, had served the Notice and could provide further details; unfortunately, he could not attend today’s hearing as his schedule was complicated by a delayed flight.

Preliminary Matters

Section 89(1) of the Act provides guidance for parties with regards to service of certain documents including an Application for Dispute Resolution and the Notice of Hearing. The Notice must be given in one of the following ways; by leaving a copy with the Landlord; by leaving a copy with an agent of the Landlord; or, by sending a copy by registered mail to the address at which the Landlord carries on business.

The Tenant HL was not able to provide evidence of the date the Notice was served or if it was served in the manner required by Section 89(1) of the Act. I am not satisfied that the Landlord was properly served with the Tenants’ Application for Dispute Resolution. It is very important that the Landlord receive a copy of the Tenants’ Application and the Notice of Hearing, in order for the Landlord to respond and attend the hearing.

Conclusion

I dismiss the Tenants' Application with leave to reapply. This does not extend any applicable time limits under the Act.

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 07, 2018

Residential Tenancy Branch