

Residential Tenancy Branch Office of Housing and Construction Standards

## DECISION

Dispute Codes ERP MNDCT PSF FFT

## Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order that the landlord make emergency repairs to the rental unit pursuant to section 62 of the *Act*;
- a monetary order for damage or compensation pursuant to section 67 of the Act;
- an order that the landlord provide services or facilities required by the tenancy agreement or the *Act* pursuant to section 62 of the *Act*, and
- recovery of the filing fee for this application from the landlord pursuant to section 72 of the *Act*.

The landlord did not attend the hearing. The tenant R.P. (herein referred to as "the tenant") attended the hearing on behalf of the tenants. The tenant advised that he had spoken with the landlord regarding the issues in his claim and that the landlord had made a verbal agreement to address the issues. As such, the tenant requested to withdraw his application at this time in order to allow the landlord an opportunity to address the issues. Further to this, the tenant acknowledged that although he had shown the landlord the paperwork in relation to this application, he had not followed the required process for serving Notice of Dispute Resolution Proceeding documents.

As the tenant requested to withdraw his application, and because the tenant failed to serve the landlord with notification of this proceeding as required pursuant to section 89 of the *Act*, I order the tenants' application dismissed, and grant the tenants liberty to reapply. I order the tenants' request to recover the cost of the filing fee for this application dismissed without leave to reapply. I make no findings on the merits of the matter. The issuance of this decision with leave to reapply does not extend any applicable time limits under the *Act*.

## Issue(s) to be Decided

Should the landlord be ordered to make emergency repairs to the rental unit?

Should the landlord be ordered to provide services or facilities required by the tenancy agreement or the *Act*?

Is the tenant entitled to a monetary award for compensation for damage/loss under the *Act*, regulation or tenancy agreement?

Is the tenant entitled to recover the filing fee for this application?

## **Conclusion**

The tenants' application is dismissed with leave to reapply. I order the tenants' request to recover the cost of the filing fee for this application dismissed without leave to reapply. This decision 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: July 23, 2018

Residential Tenancy Branch