



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, PSF

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act") for an order directing the landlord to make emergency repairs for health or safety reasons to the rental unit, and to provide services or facilities required by law or the tenancy agreement.

The tenant attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing ("Notice of Hearing") and the application were considered. The tenant testified that she posted the Notice of Hearing and application to the landlord's door.

Preliminary and Procedural Matter

Section 89(1) of the *Act* does not allow for service of the Application for Dispute Resolution by posting to the landlord's door. Therefore, I find that the tenant has not been served in a method approved under the *Act*.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of Hearing and Application in an approved method permitted under the *Act*. Therefore, **I dismiss** the tenant's application **with leave to reapply** as I am not satisfied the landlord has been served with the Notice of Hearing and Application in a method approved under the *Act*. I note this decision does not extend any applicable time limits under the *Act*.

I also have removed the name of the two children of the tenant from the application as they are not tenants; they are occupants pursuant to section 64(3) of the *Act*.

Conclusion

The landlord's application is dismissed with leave to reapply, due to a service issue.

This decision does not extend any applicable time limits under the *Act*.

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: July 13, 2018

Residential Tenancy Branch