



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, RP, OLC, MNDC

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 46;
2. An Order for emergency and other repairs - Section 32;
3. An Order for the Landlord’s compliance - Section 62; and
4. A Monetary Order for compensation - Section 67.

The hearing was scheduled for 9:30 a.m. on this date. The Tenant appeared at 9:37 and stated that the Landlord was not served with the application for dispute resolution and notice of hearing for several reasons, including financial restraints. The Tenant then left the call at 9:39 without any notice. The hearing line was kept open until 9:46 in case the Tenant had been accidentally disconnected. During this time the Landlord did not appear and the Tenant did not return to the conference call.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director. Section 89(1) of the Act provides that an application for dispute resolution must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;

- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Based on the Tenant's submission that the Landlord was not served with the application for dispute resolution but considering the claims and that the Tenant may yet wish or may be able to pursue the above orders, I dismiss the application 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 Act.

Dated: September 25, 2018

Residential Tenancy Branch