



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, ERP, LRE, MNDCT, OLC, OPT, PSF, RP, RR

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

- an order to allow access to (or from) the unit or site for the tenant or tenant guests, pursuant to section 30;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement pursuant to section 62;
- an order of possession for the tenant;
- an order to the landlord to provide services or facilities required by law pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32; and
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

This matter was set for hearing by conference call at 11:00 A.M. on November 9, 2018. The conference call was kept open for 10 minutes after the scheduled start time, and at the tenth minute tenant TM called in to participate in the hearing. Tenant TM ("the tenant") confirmed she had authority to speak on behalf of tenant SR, who was not present. The landlord did not participate in the conference call hearing, which lasted approximately 30 minutes. The tenant was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant testified that the landlord was personally served with the tenants' application for dispute resolution hearing package ("application") on October 1, 2018, at the rental unit where the landlord was visiting. In accordance with sections 89 and 90 of the *Act*, I

find that the landlord was deemed served with the tenants' application on October 1, 2018, the day it was served.

The tenant's testimony was difficult to follow; it was disjointed and unclear. At one point during the hearing, the tenant became disconnected and had to call back into the hearing. Although tenant TM provided affirmed testimony, the tenants have failed to submit any documentary evidence in support of their claim. In the absence of reliable testimony or documentary evidence, I am unable to make a determination in regards to the tenants' claim. For this reason, I dismiss the tenants' application with leave to reapply.

Conclusion

The tenants' application is dismissed 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 *Residential Tenancy Act*.

Dated: November 09, 2018

Residential Tenancy Branch