



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, DRI, ERP, FFT, MNDCT, MNRT, OLC, RR

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel a 10 day Notice to End Tenancy dated which was served on the Tenant on October 11, 2018 but is misdated as being issued on November 11, 2018
- b. An order disputing an illegal rent increase
- c. An order for emergency repairs
- d. A monetary order in the sum of \$1740
- e. An order that the landlord comply with the Act, Regulations and/or tenancy agreement.
- f. An order for the reduction of rent.
- g. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

The landlord testified the tenant failed to serve him with a copy of the Tenant's Application for Dispute Resolution and he is not aware of the claims being made. The Tenant testified that he was unaware that he was supposed to serve the landlord. The Tenant no longer resides in the rental unit and has moved out of province.

The Residential Tenancy Act provides that where a party is seeking a monetary order the Applicant must serve the Respondent either by personal service or by registered mail to where the respondent resides or carries on business. .

I determined the Tenant failed to prove that he has sufficiently served the landlord in accordance with the Residential Tenancy Act. I accept the testimony of the landlord that he has not been served and he is not able to defend the claims being made because of lack of service.

Accordingly, **I order the application of the Tenant be dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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 22, 2018

Residential Tenancy Branch