



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, LA, OLC, PSF, RP, RR, MNDC

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

- an order of possession of the rental unit pursuant to section 54;
- authorization to change the locks to the rental unit pursuant to section 70;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- 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, regulation or tenancy agreement pursuant to section 67.

The tenant and her agent/advocate attended the hearing via conference call and provided undisputed affirmed testimony. The landlord did not attend or submit any documentary evidence.

Over a 25 minute period the tenant's telephone connection was dis-connected/dropped 5 times. Extensive discussions with the tenant's agent confirmed that the tenant served the landlord with the notice of hearing package via Canada Post Registered Mail on October 6, 2018. The tenant's agent stated that he is aware through an online search of the Canada Post Tracking system that the landlord signed in receipt of the package on October 9, 2018. The tenant described her telephone issues as a result of the rental unit heating causing the dis-connections. Repeated efforts were made to start the hearing, but the tenant's dis-connections persisted. Further discussions with the tenant and the tenant's agent revealed that the tenant's request for an order of possession were unnecessary as the tenant occupies the rental unit and does not require an order

of possession. As such, I find in the circumstances the remaining issues can be heard at a later date as possession of the rental unit is not a factor. I also find as the tenant is unable to use alternative measure to connect to the conference call hearing and that this is an issue of the tenants' own telephone that the tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation periods.

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 15, 2018

Residential Tenancy Branch