



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing was convened as a result of the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenants and the landlord attended the teleconference hearing. The parties gave affirmed testimony, were provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions during the hearing.

The parties confirmed receiving the evidence package from the other party prior to the hearing and that they had the opportunity to review the evidence prior to the hearing. I find the parties were served in accordance with the *Act*.

Issues to be Decided

- Should the landlord be ordered to comply with the *Act*, regulation or tenancy agreement?
- Are the tenants entitled to the recovery of the cost of the filing fee under the *Act*?

Background and Evidence

At the outset of the hearing, the tenants confirmed that there was a written tenancy agreement but that they did not supply a copy of the tenancy agreement in evidence. The tenants have applied for an order for landlord to comply with the *Act*, regulation or tenancy agreement. More specifically, the tenants are seeking an order relating to hydro and water utilities and other matters related to the tenancy agreement.

Analysis

Based on the documentary evidence and the oral testimony provided during the hearing, and on the balance of probabilities, I find the following.

During the hearing, the tenants were advised that I could not think of a more important document to submit in evidence than a copy of the tenancy agreement. Furthermore, I find that failure to submit a copy of the tenant agreement for my consideration results in this application being dismissed due to insufficient evidence, with leave to reapply. I find it would be prejudicial to the landlord to adjourn this matter as the landlord called into the hearing at 5:00 a.m. Australia time and was prepared to proceed.

Therefore, I dismiss the tenants' application with leave to reapply, but I do not grant the tenants the recovery of the cost of the filing fee.

Conclusion

The tenants' application is dismissed as the tenants failed to include a copy of the tenancy agreement and is seeking an order for the landlord to comply with the tenancy agreement. I grant the tenants leave to reapply; however, I do not grant the tenants the filing fee.

This decision will be emailed to both parties.

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: January 31, 2019

Residential Tenancy Branch