



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LAT, MNDCT, OLC, RR, FFT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on February 19, 2019, (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order authorizing the Tenants changing their lock;
- a monetary order for damage or compensation;
- an order that the Landlord comply with the Act, regulations or tenancy agreement;
- an order to reduce rent for repairs/ services or facilities agreed upon but not provided; and
- an order granting recovery of the filing fee.

The Tenants as well as the Landlord's Agent A.J. attended the hearing at the appointed date and time, and provided affirmed testimony.

The Tenants testified that they served their Application package and documentary evidence to the Landlord in person on February 20, 2019. A.J. confirmed receiving the Tenants' Application, however, did not receive any documentary evidence. The Tenants testified and acknowledged that they did not serve their documentary evidence to the Landlord.

According to the Residential Tenancy Branch Rules of Procedure (the "Rules of Procedure") 3.1; the applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;*
- b) the Respondent Instructions for Dispute Resolution;*
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and*
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].*

According to the Rules of Procedure 3.11 and 3.14; documentary evidence that is intended to be relied on at the hearing must be received by the respondent as soon as possible, but not less than 14 days before the hearing.

Section 88 of the Act stipulates that documents such as evidence must be given or served 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 ordinary mail or 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 ordinary mail or registered mail to a forwarding address provided by the tenant;
- (e) by leaving a copy at the person's residence with an adult who apparently resides with the person;
- (f) by leaving a copy in a mailbox or mail slot for the address at which the person resides or, if the person is a landlord, for the address at which the person carries on business as a landlord;
- (g) by attaching a copy to a door or other conspicuous place at the address at which the person resides or, if the person is a landlord, at the address at which the person carries on business as a landlord;
- (h) by transmitting a copy to a fax number provided as an address for service by the person to be served; or
- (i) as ordered by an Arbitrator

The parties agreed that the Tenants have not served the Landlord with their documentary evidence. As I am not satisfied that the Landlord was properly served with the Tenants' documentary evidence, I dismiss the Tenants' Application with leave to reapply.

Conclusion

I dismiss the Tenant's Application with leave to reapply. Leave to reapply does not extend any deadlines established pursuant to the *Act*.

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: March 21, 2019

Residential Tenancy Branch