



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding UPPER COLLEGE HEIGHTS and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, PSF, RR, FFT

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act"). The tenants have applied for a \$24.50 per month rent reduction for loss of use of laundry, for an order directing the landlord to provide services or facilities agreed upon but not provided, for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

Tenant BT ("tenant") attended the teleconference hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding ("Notice of Hearing"), application, and documentary evidence were considered. The tenant stated the name listed as the landlord no longer matches the new owner of the rental unit and as a result the tenant was asked if he had provided a copy of the tenancy agreement to support who the landlord was. The tenant confirmed that he did not submit a copy of the tenancy agreement. The tenant also failed to provide a Proof of Service document to support an alleged agent LR ("agent") to whom the tenant stated he personally served with the application. The tenants did not provide any documentation to support that LR is an agent for the landlord.

Based on the above, and taking into account that the landlord or landlord agent did not attend the hearing, **I am not satisfied** that the landlord was correctly named or served with the Notice of Hearing, application and documentary evidence under the *Act*. I have reached this decision after considering the fact that agent admitted that the property had been purchased by a university but failed to provide a copy of a tenancy agreement or any documentation to support that the individual served personally by the tenant represents or is an agent for a corporate landlord.

Both parties have a right to a fair hearing and the landlord would not be aware of the hearing without having received the Notice of Hearing and application. Therefore, I **dismiss** the tenants' application **with leave to reapply** due to a service issue. I note this decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee as a result of the service issue.

Conclusion

The tenants' application is dismissed with leave to reapply due to a service issue. This decision does not extend any applicable time limits under the *Act*.

I do not grant the filing fee due to the service issue.

The decision will be emailed to the tenants at the email address provide by the tenant during the hearing. The respondent will be sent the decision by regular mail as the application did not contain an email address for the respondent.

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: May 1, 2019

Residential Tenancy Branch