



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRT, MNDCT, DRI, RR, LRE, LAT, AS, OLC, CNC, CNR, FFT

Introduction

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

- a monetary order for the cost of emergency repairs and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- an order regarding a disputed additional rent increase, pursuant to section 43;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, 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;
- authorization to change the locks to the rental unit, pursuant to section 70;
- an order allowing the tenant to assign or sublet because the landlord's permission has been unreasonably withheld, pursuant to section 65; and
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice"), pursuant to section 46; and
- authorization to recover his filing fee for this application, pursuant to section 72.

The landlord did not attend this hearing, which lasted approximately 14 minutes. The tenant and his advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant confirmed that his advocate had permission to speak on his behalf at this hearing.

Preliminary Issue – Service of Tenant’s Application

The tenant stated that he was not sure whether he served the landlord with the tenant’s application for dispute resolution and notice of hearing. He said that he thinks he posted the application and notice of hearing to the landlord’s door but does not know when that was done.

Accordingly, I find that the landlord was not served with the tenant’s application, as required by section 89 of the *Act*. The tenant did not provide a date of service. The tenant does not know whether he served the landlord with the application and notice of hearing. The landlord did not appear at his hearing to confirm service. I notified the tenant that he was not permitted to post his application or notice of hearing to the landlord’s door, as per section 89 of the *Act*.

I notified the tenant that his application was dismissed with leave to reapply, except for the \$100.00 filing fee. I informed him that he could file a new application, pay another filing fee and provide proof of service at the next hearing, if he chooses to pursue this matter further. The tenant confirmed his understanding of same.

The tenant stated that the landlord filed an application against him, to be heard at a future date. I informed the tenant that he could speak to his advocate in order to get assistance after the hearing. I notified the tenant that I could not provide him with legal advice. I informed the tenant to be mindful of limitation dates to cancel the notices to end tenancy and the fact that he would be required to apply to cancel the notices, as they are not automatically included as part of any future applications from the landlord. The tenant confirmed his understanding of same.

Conclusion

The tenant’s application to recover the \$100.00 filing fee is dismissed without leave to reapply. The remainder of the tenant’s application is dismissed with leave to reapply. 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: January 18, 2021

Residential Tenancy Branch