



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0684268BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP

Introduction

On January 17, 2021, the Tenants filed an Application for Dispute Resolution under the *Residential Tenancy Act* (“the *Act*”) for an order for the Landlord to make emergency repairs to the rental unit. The matter was set for an expedited hearing by conference call.

One of the Tenants attended the hearing; as the Landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered. Section 59 of the *Act* states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The Tenant testified the Application for Dispute Resolution and Notice of Hearing had been served to the Landlord by Canada Post registered mail but was unable to provide details as to when the mail was sent to the Landlord or a Canada Post Tracking number.

Section 10.9 of the Residential Tenancy Branch (RTB) Rules of Procedure states that an applicant to an expedited hearing must provide the RTB with Proof of Service of the Notice of a Dispute Resolution documents.

10.9 Proof of Service

An applicant must provide proof of service by submitting RTB 9 Proof of Service – Notice of a Dispute Resolution form one day after serving the Notice of Dispute Resolution Proceeding Package and at least two days before the hearing. Failure to do this may result in the application being dismissed or the hearing being rescheduled or adjourned to a later date.

As the Tenant has not provided the required RTB 9 Proof of Service – Notice of a Dispute Resolution form and was unable to testify to the details of the service of the

Notice of a Dispute Resolution documents during these proceedings, I find that the Landlord has not been duly served the notification of this hearing as required, pursuant to section 59 of the *Act*.

Therefore, I dismiss the Tenants' application with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution 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: February 8, 2021

Residential Tenancy Branch