



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ALS PROPERTY MANAGEMENT and  
[tenant name suppressed to protect privacy]

## DECISION

### Dispute Codes

RP FFT

### Introduction and Analysis

This hearing dealt with the tenants' Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for regular repairs to the unit, site or property and to recover the cost of the filing fee.

The tenants attended the teleconference hearing. The landlord did not attend the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Proceeding dated December 18, 2020 (Notice of Hearing), application and documentary evidence were considered. The tenants were affirmed and provided a registered mail tracking number in evidence, which has been included on the style of cause for ease of reference. According to the online Canada Post registered mail tracking website, that package was mailed on November 21, 2020, which could not be related to the Notice of Hearing as the Notice of Hearing was not created until December 18, 2020. The tenants confirmed they did not have other tracking number information to provide during the hearing.

Both parties have the right to a fair hearing. The landlord would not be aware of the hearing without having received the Notice of a Dispute Resolution Proceeding and application. Therefore, **I dismiss** the tenants' application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently served with the Notice of Hearing and application in a manner provided for under the Act. 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.

The filing fee is not granted due to a service issue.

This decision will be emailed to both parties at the email addresses confirmed during the hearing for 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: March 11, 2021

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Residential Tenancy Branch