



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

This hearing was convened in response to an application by the Tenant seeking an order for emergency repairs pursuant to section 33 of the *Residential Tenancy Act* (the “Act”).

The Landlord did not attend the hearing. The Tenant states that the Landlord’s wife who is not named as a Landlord on the tenancy agreement was given the Tenant’s application, notice of hearing (the “Hearing Package”) and evidence in person on the same day as the Tenant received the Hearing Package from the Residential Tenancy Branch (the “RTB”). The Tenant states that the hydro has been turned back on but that it goes on and off periodically.

Section 89(1) of the Act provides that an application for dispute resolution must be given 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 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 registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*];
- (f) by any other means of service provided for in the regulations.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it, or within a different period specified by the director.

As the Tenant's application was not served to the Landlord and as no date for that service was provided, I find that the Tenant has not sufficiently substantiated that the application was given to the Landlord as required under the Act. Given the Tenant's evidence that while the hydro has been turned back on but goes off intermittently, I dismiss the application 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 Act.

Dated: June 15, 2021

Residential Tenancy Branch