



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Peter Wall Mansion and Estates and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes

ERP, FFT

Introduction

This hearing dealt with an application by the tenants under the *Residential Tenancy Act* (the *Act*) for the following:

- An order requiring the landlord to carry out emergency repairs pursuant to section 33;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

The tenants attended and had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained.

At the outset, the tenants clarified the correct spelling of the landlord's name as it is stated in the lease and requested an amendment with respect to the name. Accordingly, I amended the landlord's name to reflect the correct spelling throughout the proceeding.

The tenants also provided the name and address of the building manager (JR) of the landlord's building in which the unit is located. The tenants testified that JR also resides in the building.

The tenants stated they did not serve the landlord as required under the Act as they did not know how to contact the landlord.

Preliminary Issue: Address of Landlord and Service

The tenants stated that there are no contact details for the landlord in the lease and they do not know how to serve the landlord. The tenants explained that the building manager is JR, whose name and address appear on the cover page, although they

were not certain of the correct spelling of the last name. As stated, they testified that JR lives in the building in which the unit is located. The tenants stated that all tenancy issues are discussed with JR who has refused to provide an email address to the tenants even during the pandemic or the address of the landlord. They stated that they have an acrimonious relationship with JR with they described as “upsetting”. They requested they be provided with JR’s email address to facilitate polite and effective yet distant communication.

Analysis

Section 13(2) of the Act states that a tenancy agreement must include the correct legal name of the landlord and the address for service and telephone number of the landlord or the landlord’s agent.

I accept the tenants’ credible testimony that they do not know the above information required under section 13(2). I accept their testimony that communication with the agent JR is unpleasant and find it reasonable that the tenants be able to communicate with JR by email.

I therefore direct that the landlord provide the tenants with the following by registered mail sent to them at their address which appears on the first page within 7 days of the date of this Order:

1. The correct legal name of the landlord;
2. The address for service of the landlord;
3. The telephone number of the landlord;
4. Confirmation of the correct spelling of the name of JR, the building manager for the building in which the unit is located;
5. The address for service of the building manager;
6. The telephone number of the building manager;
7. The email address of the building manager.

Section 89(1) of the Act sets out the requirement for service of the Application for Dispute Resolution and the tenants’ supporting documents.

Section 89(1)(b) allows the applicant to serve the landlord by leaving a copy with an agent of the landlord.

As the tenants have not served their Application for Dispute Resolution and documents, I direct that their application for emergency repairs be dismissed with leave to reapply. The application for reimbursement of the filing fee is dismissed without leave to reapply.

Conclusion

I direct that their application for emergency repairs be dismissed with leave to reapply. The application for reimbursement of the filing fee is dismissed without leave to reapply.

I Order that the landlord provide the tenants with the following information in writing and sent by registered mail to them within 7 days of the date of service of this Order:

1. The correct legal name of the landlord;
2. The address for service of the landlord;
3. The telephone number of the landlord;
4. Confirmation of the correct spelling of the name of JR, the building manager for the building in which the unit is located;
5. The address for service of the building manager;
6. The telephone number of the building manager;
7. The email address of the building manager.

I direct that the tenants serve this Decision upon the landlord by sending a copy of this Decision by registered mail to the agent for the landlord, JR, at the address on the first page.

The tenants may apply for such subsequent relief, including emergency relief by expedited hearing, as circumstances warrant.

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: August 12, 2021

Residential Tenancy Branch