



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for an Order to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

The landlords did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the landlords to call into this teleconference hearing scheduled for 9:30 a.m. Tenant S.N. attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that tenant S.N. and I were the only ones who had called into this teleconference.

Tenant S.N. testified that she did not serve the landlords with a copy of this application for dispute resolution because she thought the Residential Tenancy Branch served the landlords.

The Notice of Dispute Resolution Proceeding, which was sent to the tenants on July 21, 2021 states:

The applicant is required to give the Residential Tenancy Branch proof that this notice and copies of all supporting documents were served to the respondent.

Section 89 of the *Act* establishes the following Special rules for certain documents, which include an application for dispute resolution:

89(1) An application for dispute resolution,...when required to be given to one party by another, 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 document]...*

As stated in the Notice of Dispute Resolution Proceeding, the applicants (in this case the tenants) are required to serve the respondents (in this case the landlords). Section 89 of the *Act* sets out the ways in which an application for dispute resolution can be served on the respondents. I find that the applicants did not serve the respondents in accordance with section 89 of the *Act*. The applicants' application for dispute resolution is therefore 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: November 04, 2021

Residential Tenancy Branch