



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR, LRE, FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The tenants, F.S. and R.L. (the tenants) attended the hearing via conference call and provided undisputed testimony. The tenants, J.H., N.Y. and the named landlord did not attend the conference call hearing. The tenants stated that the tenants, J.H. and N.Y. would not attend and were unrepresented.

At the outset, the tenants stated that the landlord was not served with the notice of hearing package as they were unable to locate her. The tenants also stated that they have vacated the rental unit.

Pursuant to Section 89 of the Act, an application for dispute resolution is required to be given to one party by another to allow the respondent an opportunity to respond to the issues listed. In this case, the tenants confirmed that they have not served the hearing package to the landlord and they no longer reside at the rental unit. On this basis, the tenants' application is dismissed with leave to reapply for lack of service. Leave to reapply is not an extension of any applicable limitation period.

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: January 20, 2022

Residential Tenancy Branch