



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNRT, MNDCT, RR, DRI, LRE, OLC, FFT**

Introduction

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

- An order to reduce the rent for repairs, services or facilities agreed upon but not provided pursuant to section 65;
- Cancellation of a Notice of Rent Increase pursuant to section 43;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- An order to restrict or suspend the landlord's right of entry pursuant to section 70;
- An order requiring the landlord to comply with the *Act* pursuant to section 62;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

All parties attended the hearing and had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing lasted 22 minutes.

Preliminary Issue – Service of Documents

The landlords stated they placed separate envelopes containing the Notice of Hearing and Application for Dispute Resolution in the mailbox at the landlords' home on December 19, 2021. The landlords stated that the documents were placed in the

mailbox on January 4, 2022 at which time they learned of this application scheduled three days later. The landlords then submitted evidence which they delivered to the tenants the day before the hearing.

The landlords stated that the tenants did not properly serve them with the documents as required under section 89 of the Act. They requested the application be dismissed.

As the tenants acknowledge they did not serve the documents as required under section 89, their application is dismissed with leave to reapply.

Conclusion

The application is 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: January 07, 2022

Residential Tenancy Branch