



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, FFT

Introduction

The Tenants apply to dispute a rent increase pursuant to s. 43 of the *Residential Tenancy Act* (the “*Act*”). The Tenants also seek return of their filing fee pursuant to s. 72 of the *Act*.

E.S. and C.S. appeared as Tenants. The Landlord did not attend.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The parties confirmed that they were not recording the hearing.

The Tenants advised at the outset of the hearing that they did not serve the Landlord with the Notice of Dispute Resolution. Pursuant to Rule 3.5 of the Rules of Procedure, the applicant Tenants must be prepared to demonstrate service of their application. The Tenants have failed to serve their application at all.

Given that their application was not served on the Landlord, the Tenants application under s. 43 to dispute a rent increase is dismissed with leave to reapply. As the hearing did not proceed due to the lack of service, I find that the Tenants are not entitled to the return of their filing fee and I dismiss their claim under s. 72 without 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: February 25, 2022

Residential Tenancy Branch