



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

Introduction

This expedited hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order requiring the landlord to make emergency repairs to the rental unit for health or safety reasons.

Eight minutes after the start of the hearing, the tenant dialed into the teleconference hearing. 12 minutes after the start of the hearing, the landlords dialed into the teleconference hearing.

The tenant was questioned about the other listed tenant and he responded that the additional tenant was his son, who visits on the weekend.

I informed the tenant that I find his minor child, who is not listed on the written tenancy agreement filed in evidence, is not a tenant for the purpose of this dispute resolution. As a result, I have excluded that name from the style of cause page of this Decision.

As to the service of the tenant's application, the tenant testified and filed evidence that the landlords were served the Application for Dispute Resolution, evidence, and Notice of Hearing (application package) by registered mail on January 20, 2022, in the same envelope.

As to the matter of emergency repairs, the tenant submitted the following description to support his application:

Poor insulation, single pain windows, Black Mold, insufficient heat, Leaky roof, Rat infestation

The tenant confirmed the matter of the roof leaking had been ongoing for two years.

The tenant stated, when questioned, that he wanted to address the matter of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities and the One Month Notice to End Tenancy for Cause in this hearing.

The tenant currently has a hearing scheduled for April 2022 to deal with those issues.

Analysis and Conclusion

Section 59(3) of the Act requires that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making it.

Section 89(1) of the Act requires that an application for dispute resolution, which includes the notice of hearing, must be given by handing the documents to the person or by registered mail to, in this case, the landlord's address where they reside or to the address at which the person carries on business as a landlord.

I find the Act requires that each respondent/landlords here, be served separately in order to comply with these sections of the Act.

Additionally, the instructions to the applicant for dispute resolution makes it clear that each respondent is given their own unique Dispute Access Code.

Both parties have a right to a fair hearing and in this case, it would not be possible to know which landlord was served as the documents were in the same envelope.

For these reasons, I find the tenant submitted insufficient evidence that his application package was served to the landlords according to the requirements of sections 59(3) and 89(1) of the Act.

I also find the issues relating to insulation, single pain windows, black mold, insufficient heat, a leaky roof, and a potential rat infestation are not listed as emergency repairs

under the Act. I find that any of these issues relate to section 32 of the Act, regarding regular repairs.

I note, however, that the landlords have denied that any of the issues claimed by the tenant existed.

I therefore dismiss the tenant's application, with leave to reapply.

I make no findings on the merits of the matter. 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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: February 11, 2022

Residential Tenancy Branch