



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRT MNDCT OLC RP PSF RR FFT

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution, seeking the following:

1. I want compensation for my monetary loss or other money owed
2. I want repairs made to the unit, site or property. I have contacted the landlord in writing to make repairs but they have not been completed
3. I want the landlord to provide services or facilities required by the tenancy agreement or law
4. I want the landlord to comply with the Act, regulation and/or the tenancy agreement
5. I want to be paid back for the cost of emergency repairs that I made during the tenancy
6. I want to reduce rent for repairs, services or facilities agreed upon but not provided
7. Filing fee

The tenants attended the teleconference hearing. As the landlords did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated February 2, 2022 (Notice of Hearing) and application were considered. The tenants testified that the Notice of Hearing and Application was mailed via registered mail to the tenants at the rental unit address on February 4, 2022. A tracking number was provided in evidence. The tenants testified that the landlords were mailed the Notice of Hearing and Application to both named landlords in the same registered mail package and did not serve the landlords individually with their own packages.

Preliminary and Procedural Matters

The tenants were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The tenants were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the tenants were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The tenants did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the tenants confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the tenants did not provide an email address for the landlords, the decision will be sent by regular mail to the landlords.

As the tenants have served both landlords in the same registered mail package, I find that each person has not been individually served, as required by Rule 3.1 of the RTB Rules and RTB Policy Guideline 12 – *Service Provisions* (Guideline 12).

Both parties have the right to a fair hearing. The landlords would not be aware of the hearing without having received the Notice of Hearing and Application. Therefore, I **dismiss** the tenants' application **with leave to reapply** as I am not satisfied the landlords have been served in accordance with RTB Rule 3.1 and Guideline 12. I note this decision does not extend any applicable time limits under the Act.

Conclusion

The tenants' application is dismissed with leave to reapply.

This decision does not extend any applicable time limits under the Act.

I do not grant the filing fee due to the service issue.

This decision will be emailed to the tenants and sent by regular mail to the landlords.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 21, 2022