



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: ERP

Introduction

The tenants applied for an order that the landlord make emergency repairs to the rental unit pursuant to sections 33 and 62 of the *Residential Tenancy Act* (“Act”).

An expedited dispute resolution hearing was convened on April 5, 2022 and in attendance were the tenant (M.C.), the landlord, and the landlord’s nephew who acted as an interpreter.

Preliminary Issue: Service of Notice of Dispute Resolution Proceeding package

Expedited hearings such as this one are conducted within strict procedural rules to ensure fair notice and service of the Notice of Dispute Resolution Proceeding and of supporting evidence. The Residential Tenancy Branch’s [*Rules of Procedure*](#), and specifically Rule 10, govern service and notice requirements for expedited hearings.

In this case, the tenant made her application on March 10, 2022 and the Branch provided a copy of the Notice of Dispute Resolution Proceeding by email to the tenant on March 18. However, it does not appear that she served anything on the respondent landlord until Friday, April 1. There was also no *RTB 9 Proof of Service – Notice of a Dispute Resolution* form submitted by the tenant, which is a requirement.

As per the *Rules of Procedure*, a Notice of Dispute Resolution Proceeding along with supporting evidence for an expedited hearing must be served within one day of the Notice being made available by the Branch. This late service would explain why almost all of the parties’ evidence was not submitted within the required deadlines.

Given the above, and pursuant to Rule 10.9 of the *Rules of Procedure*, the tenants’ application is dismissed, with leave to reapply. Should the tenant reapply for an order for emergency repairs, it is recommended that she ensure service of notice and evidence timelines are adhered to.

Preliminary Issues: Non-Referenced Issues in Application

It is noted that the tenants' application for emergency repairs also contained several additional forms of relief, including a claim for compensation, for a rent reduction, and so forth; an extensive Monetary Order Worksheet was included in this package. These matters were not addressed in today's hearing because they fall outside the types of issues that are ordinarily scheduled for an expedited hearing. (Indeed, they were not included in the application and not referenced on this file.)

To this end, the tenant may contact the Residential Tenancy Branch and find out whether a separate hearing may be scheduled for these other matters. If it cannot, then the tenant is at liberty to file a new, separate application for dispute resolution for any issues of a non-urgent nature. No findings of fact or law, or any disposition regarding any of these other issues have been made.

Conclusion

The application is dismissed, with leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: April 5, 2022

Residential Tenancy Branch