



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDCT, DRI, FFT

Introduction and Preliminary Matters

On April 28, 2022, the Tenants made an Application for Dispute Resolution seeking an Order to comply pursuant to Section 62 of the *Residential Tenancy Act* (the “Act”), seeking a Monetary Order for compensation pursuant to Section 67 of the *Act*, seeking to dispute a rent increase pursuant to Section 41 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On May 11, 2022, this Application was set down for a teleconference hearing on August 30, 2022 at 11:00 AM.

Both Tenants attended the hearing; however, the Landlord did not make an appearance at any point during the 10-minute teleconference. At the outset of the hearing, the Tenants were informed that recording of the hearing was prohibited, and they were reminded to refrain from doing so. As well, they provided a solemn affirmation.

They advised that they served the Landlord the Notice of Hearing package by regular mail, not by registered mail.

Based on this testimony, the Notice of Hearing package was not served to the Landlord in a manner that complied with Section 89 of the *Act*. As such, I am not satisfied that the Landlord was sufficiently served the Notice of Hearing package. As I am not satisfied that the Landlord has been served this package in accordance with the *Act*, I have dismissed this Application with leave to reapply.

As the Tenants were not successful in this claim, I find that the Tenants are not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

Based on the above, I dismiss the Application for Dispute Resolution with leave to reapply. However, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: August 30, 2022

Residential Tenancy Branch