



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

In this application, the landlord seeks a rent increase pursuant to sections 43(1)(b) and 43(3) of the *Residential Tenancy Act* (the “Act”) and section 23.1 of the Residential Tenancy Regulation, B.C. Reg. 477/2003.

The landlord filed the application for a rent increase on March 17, 2022 and a preliminary hearing was held on June 27, 2022. An Interim Decision dated June 27, 2022 was issued setting out deadlines for written submissions and service of documents.

In my Interim Decision this matter was ordered to proceed with written submissions only. I wrote:

1. The landlord must serve the tenants with the copy of this Interim Decision and all written submissions and evidence by July 27, 2022.

I further ordered that:

I order that the parties submit to the Branch proof of service of the Interim Decision, Written Submissions and Evidence.

Proof of Service of documents served personally or by posting may consist of a signed Proof of Service form or a confirmation from the party served. Proof of service for a party served by registered mail may consist of a copy of the registered mail receipt or a valid Canada Post tracking number. Proof of service for a party served by email may consist of an image of the email sent showing the full email address of the served party and the date it was sent.

Branch records show that the Interim Decision was sent to the landlord at the email address they provided on July 21, 2022.

I also note that the Dispute Management System shows that the landlord submitted three pieces of documentary evidence on September 10, 2021, seven months before

the actual application was filed. I can only assume this is an error but I am unable to determine if this error is indicative of other deficiencies in the Dispute Management System employed by the Branch which has prevented the landlord from uploading additional submissions and evidence.

Under the circumstances, with no evidence to show that the Interim Decision has been served, as ordered, on any of the tenants, I order that the present application be dismissed with leave to reapply.

If the landlord had prepared written submissions and evidence in support of their application I would encourage them to submit all materials together with a new application if they intend 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: September 6, 2022

Residential Tenancy Branch