



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants October 29, 2022 (the “Application”). The Tenants applied for an order that the Landlord make emergency repairs.

The Tenants and Landlord appeared at the hearing. I explained the hearing process to the parties. I told the parties they are not allowed to record the hearing pursuant to the Rules of Procedure (the “Rules”). The parties provided affirmed testimony.

The Tenants submitted evidence prior to the hearing. The Landlord did not submit evidence. I addressed service of the hearing package and Tenants’ evidence.

The Landlord testified that they did not receive the hearing package or evidence from the Tenants and that they only knew about the hearing due to an email from the RTB. The Landlord said they were not prepared to deal with the Application today and had evidence they would have submitted for the Application.

The Tenants testified that they sent the hearing package to the Landlord by email October 29, 2022.

The hearing package was sent to the Tenants by the RTB November 04, 2022, and therefore could not have been served on the Landlord October 29, 2022. Further, the Tenants did not submit evidence of service and therefore failed to prove service of the hearing package or their evidence.

The Tenants were required to serve the hearing package and their evidence on the Landlord pursuant to section 59(3) of the *Residential Tenancy Act* (the “Act”) and rule

10.3 of the Rules. I was not satisfied the Tenants served the Landlord as required. I told the parties usually the matter would be dismissed with leave to re-apply given the service issue but that I would consider adjourning the matter as well. I heard the parties on this issue. I dismissed the Application with leave to re-apply because I did not find an adjournment appropriate in the circumstances.

The Application is dismissed with leave to re-apply. This decision does not extend any time limits set out in the *Act*.

### Conclusion

The Application is dismissed with leave to re-apply. This decision does not extend any time limits set out in the *Act*.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: December 05, 2022

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Residential Tenancy Branch