



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33.

This matter was set for a conference call hearing at 9:30 a.m. on this date. Both parties participated in the hearing. GS testified that she was not served notice of this hearing from the tenant, but only through a courtesy reminder email on January 20, 2023 from the Branch that a hearing was scheduled for this date. The tenant testified that she served the landlord by way of email "sometime in December" but was unable to provide specifics or that the parties had agreed to being served correspondence through email. The reminder email from the Branch is simply a courtesy to the parties and not a substitute for the requirements that an applicant must complete as part of serving their application. The tenant was unable to satisfy me that the landlord had been served the Notice of Hearing Documents in accordance with Section 89 of the Act and as a result, I dismiss the tenant's application with leave to reapply.

Leave to reapply is not an extension of any applicable limitation period.

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: January 23, 2023

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Residential Tenancy Branch