



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes

Parties	File No.	Codes:
(Tenants)	910099598	MNDCT, PSF, LRE, LAT, RPP, OLC
	910106789	PSF, LRE, RPP, OLC
	910103872	PSF, LRE, RPP, OLC

Introduction

This hearing was convened as a result of the Tenants' three Applications for Dispute Resolution ("Applications") under the *Residential Tenancy Act* ("Act") for the following claims:

- compensation of \$11,173.00 for monetary loss or other money owed;
- an order for services or facilities required by the tenancy agreement or law;
- suspension or restriction of the Landlord's right to enter;
- authorization for the Tenant to change the lock;
- an Order for repairs to the unit or property; and
- an Order for the Landlord to Comply with the Act or tenancy agreement.

The Tenants, A.T. and G.R., the Landlord, A.H., and counsel for the Landlord, E.W. ("Counsel"), appeared at the teleconference hearing and gave affirmed testimony. One witness for the Landlord, K.R., was also present and available to provide affirmed testimony, but he was not called upon to do so.

At the start of the hearing, the Tenants confirmed that they vacated the rental unit on April 30, 2023, and therefore, they wanted to withdraw their claims relating to an ongoing tenancy. The Tenant, A.T., spoke for the Tenants, and said that they wanted to adjourn, because they needed to change the format of their evidence, and to organize the evidence further.

Counsel said the Landlord has not been served with anything for today's hearing. He said he was not even aware that there were three applications to be heard.

Further, the Tenant asked me to read the three Application numbers to her, because she, too, said she was unsure of them all. However, the Tenant said she had served the Landlord with the required hearing documents by posting them on the Landlord's door; however, she was not able to say when this was done. Given the Tenant's vague answers regarding service and the Landlord's denial of having been served, I find there is insufficient evidence on a balance of probabilities that the Landlord was served properly for this proceeding.

The Parties agreed that they have had other RTB dispute resolution proceedings in the past. The Tenant also said they have another hearing scheduled for June 12, 2023, at 9:30 a.m. Counsel said he has not heard about this additional hearing until today, and that his client has not been served with any documents for it.

In the course of the hearing, the Tenant changed her request to adjourn, asking that the matters before me be cancelled. Given this, and because I find the Tenants have not proven service of these Applications on the Landlord, I advised that I will cancel these Applications without leave to reapply.

For future reference, I advised the Tenants that they do not need to make a new application each time a new matter arises in a tenancy; rather, they can amend any current application by adding the new issue to it. However, such an amendment must be served on the other party under the RTB's Rules of Procedure ("Rules") time deadlines.

The Tenant said she will call the RTB for advice on moving forward. I also recommended that she serve the Landlord with the Notice of Hearing documents and evidence for the June 12, 2023, hearing, because the Tenants are running out of time to do so.

Conclusion

At the Tenants' request, and having found insufficient proof of service of the Applications and evidence before me to the Landlord, I cancel the Tenants' Applications without leave to reapply.

This Decision will be sent to the Parties at the email addresses they confirmed in the hearing.

This Decision does not affect any time limits set out in the Act or Rules.

This Decision is final and binding on the Parties, unless otherwise provided under the Act, and 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: May 26, 2023

Residential Tenancy Branch