



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      CNR, RR, RP, FFT

### Introduction

Under section 58 of the Residential Tenancy Act (the “Act”), this hearing dealt with the tenant’s April 11, 2023, application to the Residential Tenancy Branch for:

- (i) an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the Act;
- (ii) an order to reduce rent for repairs, services or facilities agreed upon but not provided under section 65 of the Act;
- (iii) an order for repairs to be made to the rental unit under section 32 of the Act; and
- (iv) authorisation to recover the cost of the filing fee under section 72 of the Act.

### Preliminary Issue – tenant did not serve Notice of Dispute Resolution Proceeding on landlord

The tenant affirmed that the tenant did not serve a Notice of Dispute Resolution Proceeding on the landlord. This was because the tenant was informed by the landlord’s agent that they were no longer representing the actual landlord and the tenant did not know how to get in touch with the actual landlord.

According to section 3.1 of the Rules of Procedure, the applicant must, within three days of the Notice of Dispute Resolution Proceeding being made available by the Residential Tenancy Branch, serve each respondent with copies of the Notice of Dispute Resolution Proceeding.

As the tenant did not serve a Notice of Dispute Resolution Proceeding on the landlord, I dismiss the tenant’s application with leave to reapply. Leave to reapply is not an extension of timeline to apply.

Since the tenant was not successful in its application, the tenant's application to recover the cost of the filing fee under section 72 of the Act is dismissed.

Conclusion

The application is dismissed with leave to reapply. Leave to reapply is not an extension of timeline to apply.

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: May 31, 2023

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Residential Tenancy Branch