



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The hearing was conducted by conference call. The landlord did not attend the hearing.

Preliminary Issue: Sale of Property and Service of Tenant's Evidence Package

At the outset of the hearing, the tenant advised that the subject property was recently sold; therefore, he now has a new landlord. He is hopeful that the new landlord will be rectifying the repair issues he sought in this application. He is still seeking monetary compensation in the form of a rent reduction against the previous landlord. Although he served the previous landlord with a copy of this Application for Dispute Resolution and Notice of Hearing, he did not serve his evidence package as he was unsure which landlord to serve it to.

The landlord did not attend this hearing, although he did submit an evidence package and statement in reply. In the statement, the landlord states that he cannot fully respond to the tenant's claims as he has not been served any evidence in support of the various accusations made by the tenant in the application.

Even though the landlord did not attend this hearing, I find the tenant's failure to serve any evidence in support of the application prejudiced the landlord's ability to sufficiently respond to this dispute.

Accordingly, the tenant's application is dismissed in its entirety with leave to reapply.

Conclusion

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: June 16, 2023

Residential Tenancy Branch