



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (Act) for the following:

- additional rent increase due to an eligible capital expenditure under the Act.

Those listed on the cover page of this decision attended the hearing and were affirmed. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary Matter

At the outset of the hearing, the Landlord agent, MW (Agent) was asked how the parties were served as there were two units not attending the hearing. The Agent first affirmed that the tenants were served by registered mail and later changed their testimony to say it was personal service on Wednesday October 18, 2023. The Agent then changed their testimony again and stated October 22, 2023.

At this point of the hearing, the receipts submitted in evidence to the Dispute Management System (DMS) were referenced and a Tenant stated that they were not served with any receipts. As a result of that comment, the Agent was asked how the Tenants were served with documentary evidence and the digital evidence for the application. The Agent then stated that it was posted to the door but could explain how the digital evidence was provided, when they Agent stated by "PDF", which did not make sense as a video file would not be in PDF format. The Agent also claims the parties were served by email, however, there were no emails provided in DMS, and they

were only added by me during the hearing to confirm emails addresses for the purpose of this decision.

By this point of the hearing, the Agent was informed that I was not satisfied on service by the Landlord due to the changing testimony and that this hearing would not be proceeding this date due to service issues.

The Landlord is at liberty to re-apply but is cautioned that should they re-apply, they must comply with the RTB Rules of Procedure and the Act and Regulation in terms of service. The Landlord may also wish to review RTB Policy Guideline 12 – *Service Provisions*.

Conclusion

This matter is dismissed with leave to reapply due to service issues.

This decision will be emailed to the parties attending and by regular mail to the parties who were not in attendance.

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: January 23, 2024

Residential Tenancy Branch