



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNSD, RR, FF

### Introduction

This hearing was convened by way of conference call in response to the tenants application for a Monetary Order for the cost of emergency repairs; a Monetary Order to recover the security and pet deposit; for an Order to allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided; and to recover the filing fee from the landlord for the cost of this application.

The tenant and landlord attended the conference call hearing, gave sworn testimony and were given the opportunity to cross examine each other on their evidence. The landlord and tenant provided documentary evidence to the Residential Tenancy Branch and to the other party in advance of this hearing.

The landlord testifies that the tenant failed to serve the landlord with the hearing documents or evidence. The landlord testifies that the tenant served the landlords Realtor with this package and not the landlord. The landlord testifies that his Realtor was not acting as the landlord's agent for this tenancy but was just contracted by the landlord to sell the landlords property. The landlord testifies he contacted the Residential Tenancy Office to obtain information about dialing into this hearing.

The landlord also advised me there was an error in his first name and the spelling of the landlord's last name on the tenant's application. The parties did not raise any objections to the error being corrected and this has now been amended.

The tenant testifies that the landlords Realtor rented the landlord's property to the tenant. However the tenant has not provided a copy of a tenancy agreement showing the Realtor was acting as the landlord's agent in this matter.

### Analysis

All parties named on an application for Dispute Resolution must receive notice of proceedings. Where more than one party is named on an application for dispute resolution, each party must be served separately. Failure to serve documents in a way recognized by the Legislation may result in the application being adjourned, dismissed with leave to reapply, or dismissed without leave to reapply.

In this matter the landlord testifies he was not served by the tenant and only found out about the hearing because he contacted the Residential Tenancy Office. I am also satisfied that the other party named on this application was not the landlords agent but the landlords Realtor and the Realtor should not have been named as a party to this application or been served with the hearing documents. It is therefore my decision that the landlord has not been properly served for the purposes of the Residential Tenancy Act.

### Conclusion

The tenant's application is therefore dismissed with leave to reapply.

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: October 05, 2012.

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Residential Tenancy Branch