



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes ERP FFT

Introduction and Analysis

This dispute relates to the tenant's Application for Dispute Resolution seeking remedy under the *Residential Tenancy Act* (Act) for the following:

1. Emergency repairs,
2. Filing fee of \$100.

The tenant and their support attended the teleconference hearing. The landlord did not attend the hearing. As the landlord did not attend the hearing, service of the Notice of a Dispute Resolution Hearing dated April 13, 2023 (Notice of Hearing), application and documentary evidence (Hearing Package) were considered. The tenant testified that they were unsure how they received the service address of the landlord as the tenancy agreement did not include a service address. The tenant then changed their testimony to say that they saw the company name of the landlord on their side of their work vehicle and that the address used was from a search performed by the tenant. The tenant failed to submit a copy of that search.

The tenant then stated that they emailed the Hearing Package to the landlord but did not have the email address and did not include that email address on their application. The tenant was then asked if they supplied a copy of the email and a response from the landlord, and no confirmation was provided.

Based on insufficient evidence regarding service of the Hearing Package, and considering the changing testimony, I am not satisfied that the landlord has been sufficiently served under the Act. Both parties have the right to a fair hearing. The landlord would not be aware of the hearing and the reason for the hearing without having received the Hearing Package. Therefore, **I dismiss** the tenant's application **with leave to reapply** as I am not satisfied that the landlord has been sufficiently

served with the Hearing Package. I note this decision does not extend any applicable time limits under the Act.

I decline to grant the filing fee due to the service issue.

Conclusion

The tenant's application is dismissed with leave to reapply due to a service issue.

This decision does not extend any applicable time limits under the Act.

The filing fee is not granted.

The tenant is reminded that they must prove service at any future hearing and to ensure that sufficient evidence is submitted to the RTB to confirm same.

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: April 25, 2023

Residential Tenancy Branch