



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, RR, MNDC, FF

Introduction

This hearing was scheduled to deal with a tenant's application for Orders for the landlord to comply with the Act, regulations or tenancy agreement; authorization to reduce rent payable for repairs or services or facilities not provided; and, monetary compensation for damage or loss under the Act, regulations or tenancy agreement. Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions and to respond to the submissions of the other party.

Preliminary and Procedural Matters

The parties provided consistent testimony that the tenant has since moved out of the rental unit. As such, orders for compliance are no longer required. The tenant confirmed that the remainder of their dispute pertains to monetary compensation only.

The tenant testified that she sent her evidence to the landlord via registered mail on June 5, 2014. The landlord denied receiving the tenant's evidence package or any notification card from Canada Post. The tenant was unable to provide a registered mail tracking number as proof of service at the time of the hearing. I also informed the parties that sending evidence by mail on June 5, 2014 did not allow sufficient time for mailing and did not comply with the Rules of Procedure. Considering the tenant's inability to prove her evidence was sent to the landlord within the time limit imposed by the Rules of Procedure, I informed the tenant that I would exclude her evidence from further consideration.

The landlord acknowledged that he did not serve the tenant with a copy of his evidence package. As such, I informed the landlord that I would not accept or consider his evidence.

I informed the parties that I may proceed to hear this dispute based upon verbal testimony only or consider dismissal of this application with leave. The tenant indicated that other issues of non-compliance occurred after she filed her application and the tenant requested her application be dismissed with leave to reapply so that she may include all claims against the landlord in one application and properly serve her evidence. The landlord did not object to dismissal of the tenant's application with leave. The tenant's request was granted.

Conclusion

The tenant's application has been 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: June 11, 2014

Residential Tenancy Branch

