



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, MNSD, FF

The tenant applies for orders for an abatement of rent for termination of services, compensation for losses as a result of termination of services, compensation for damages as a result of flooding, return of double her security deposit, aggravated damages, and recovery of her filing fee.

The tenant served the landlord with the Notice of Dispute Resolution by registered mail on 27 June 2014.

The landlord did not appear at the telephone hearing. I waited until 1350 in order to enable him to connect with this teleconference hearing scheduled for 1330. The tenant did appear and provided sworn testimony.

The tenant late filed a binder of evidence with the Residential Tenancy Branch on 21 October 2014. The tenant testified that she attempted to serve the late evidence to the landlord. She called both the landlord and the landlord's wife, but her calls went unanswered. Similarly, the tenant left messages, but these went unanswered. The tenant went to the back of the landlord's property. From the back of the property the tenant did not observe anyone in the home. The tenant testified that the landlord's car was not there. From this, the tenant surmised the landlord was not home—although she did not knock.

At the hearing, I advised the tenant that her service attempts did not comply with the *Residential Tenancy Act* (the "Act"). These requirements are set out in section 88 of the Act. As the landlord had not been served with the evidence, I am unable to consider it. I told the tenant that she could proceed on the basis of her oral testimony alone or withdraw her application and reapply. The tenant advised me that she was choosing to withdraw her application.

The tenant's application is withdrawn. I grant the tenant leave to reapply should she choose to do so.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: October 31, 2014

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Residential Tenancy Branch

