



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OLC RR FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary and Procedural Matters – Service of Applicant's evidence

Rule 3.14 of the Residential Tenancy Branch (the Branch) Rules of Procedure requires an applicant's evidence to be received by the respondent and the Branch not less than 14 days before the hearing.

The landlord acknowledged service of the tenant's application but stated that no supporting documents or evidence was received with the application or any time after. The landlord did not submit any evidence in response to the application. The only evidence on file aside from the application was 12 photographs submitted by the tenant. The tenant stated that she dropped these photos along with a letter for the landlord at the service address office. The tenant was not able to provide a definite date on which this further evidence was provided to the landlord or who she left the package with. The letter referred to by the tenant was also not on file with the Branch.

I find the tenant did not submit her full evidence package to both the landlord and the Branch and as such the landlord did not have a full opportunity to respond to the tenant's application.

Therefore, I dismiss the tenant's application with leave to reapply.

Conclusion

The tenant's application is 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 16, 2017

Residential Tenancy Branch