



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNDC MNSD O OLC

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- authorization to obtain a return of all or a portion of her security deposit pursuant to section 38; and,
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

Both parties attended the hearing and provided affirmed testimony.

The tenant testified that she has already moved out of the rental unit. Given this, the tenant no longer seeks the cancellation of the Notice to End Tenancy. As such, I amend the tenant's application accordingly to remove this ground. Further, as the landlord has regained possession of the rental unit, they no longer required an order of possession, pursuant to section 55 of the *Act*.

The tenant stated that, although she personally served the landlord with the Notice of Hearing, she did not serve her with the evidence she intended to rely upon at the same time in support of the rest of her application. The tenant testified that she did not have the evidence ready in time, such that she would have been able to serve the evidence along with the Notice of Hearing. The tenant further testified that she is aware she missed the window for serving evidence to the landlord. Given she intended to rely upon documentary evidence to support her application, and in consideration of the fact that

the evidence she had was not served to the other party, I dismiss the remainder of the tenant's application, with leave to reapply.

Conclusion

I dismiss the Tenant's application 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 04, 2017

Residential Tenancy Branch