



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, MNDCT

This hearing dealt with an Application for Dispute Resolution (the “Application”) filed by the Tenant under the *Residential Tenancy Act* (the “Act”), seeking an order for the Landlord to complete emergency repairs and compensation from the Landlord for loss or other money owed.

The hearing was convened by telephone conference call and was attended by the Tenant, two agents for the Landlord (the “Agents”) and two witnesses for the Landlord (the “Witnesses”). The Witnesses were excluded while the parties provided their evidence and testimony and were ultimately not called upon to provide testimony in the hearing. The Tenant and the Agents all provided affirmed testimony.

Shortly after the start of the hearing it became apparent that the Tenant had not served photographic evidence on the Landlord as required by the *Act* or the Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”), which had been provided to the Residential Tenancy Branch (the “Branch”) for my consideration in the hearing. Further to this, there was disagreement between the parties regarding what other documentary evidence had been served on the Landlord in relation to the hearing. Although no finding of fact was made regarding which other documentary evidence was served on the Landlord, as the Tenant acknowledged that she did not serve her photographic evidence on the Landlord, I advised her that it could not be considered in the hearing.

The Tenant was offered the opportunity to proceed with the hearing despite the concerns regarding the service of evidence and my finding that the photographic evidence could not be considered; however, the Tenant stated that her photographic evidence was crucial to her claim and therefore wished to withdraw the Application. With the Agents’ consent I allowed the Tenant to withdraw her Application and I grant her leave to reapply, should she wish to do so.

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: July 19, 2018

Residential Tenancy Branch