



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNR MNSD MNDC FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

Both parties were present at the hearing. The Tenant confirmed receiving the Landlord's application and Notice of Hearing in early July 2020. However, issues were raised with respect to the service of the Landlord's evidence. More specifically, the Landlord stated that she could not locate her photos and supporting evidence until very recently, due to technical issues with the photographs. This caused her to miss the service timelines under the Rules of Procedure. Consequently, the Tenant did not have adequate time to receive and respond to the Landlord's evidence, as the Landlord did not send it to the Tenant (by registered mail) until October 13, 2020. I note the Tenant would have had to receive all of the Landlord's evidence by October 9, 2020, at the latest.

As stated in the hearing, the manner in which the Landlord served her evidence is prejudicial to the Tenant. It appears much, if not all of the Landlord's evidence was, or could have been, available with reasonable preparation well in advance of the hearing. Rather than proceed with today's application, and risk not having any admissible documentary evidence, the Landlord requested to withdraw her application and be given leave to reapply, so that she can have a chance to organize and serve her evidence in accordance with the Rules of Procedure. The Tenant did not take issue with this. As such, I hereby allow the Landlord to withdraw this application, in full. The Landlord is at liberty to resubmit her application.

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 23, 2020

Residential Tenancy Branch