



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RR, RP, PSF, OLC, FFT

Introduction

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

- a monetary order for compensation for loss or money owed under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another. Both parties were clearly informed of the RTB Rules of Procedure about behaviour including Rule 6.10 about interruptions and inappropriate behaviour, and Rule 6.11 which prohibits the recording of a dispute resolution hearing. Both parties confirmed that they understood.

At the outset of the hearing, the issues before me were discussed with the tenant. The tenant testified that since the filing of their application on May 27, 2021, the tenancy has since ended, and the tenant had suffered additional losses which were not included in the original application. The tenant confirmed that they have not filed any amendments to the original claim, and that the original monetary order worksheet dated September 3, 2021 did not accurately reflect the claims the tenant wishes to make. The

tenant also testified that despite their efforts to submit evidence, they had encountered issues with size restrictions and format of the evidence submitted. Furthermore, the landlord had filed their own claim at a later date, which is set for a hearing on March 14, 2022, and which the tenant noted may possibly be crossed with their application due to the overlapping issues in both claims. The tenant's options were discussed with the tenant, and the tenant decided to withdraw this claim at this time, with the ability to reapply. The tenant's entire application is therefore considered cancelled at this time, with leave to reapply. I make no findings on the merits of this matter. Liberty to reapply is not an extension of any applicable timelines.

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: September 28, 2021

Residential Tenancy Branch