



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP RR OLC MNDC FF

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A hearing by telephone conference was held on December 13, 2022. The Tenant applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the *Act*).

Both parties attended the hearing and provided affirmed testimony. All parties were provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. The Landlord confirmed receipt of the Tenant's application and first evidence package, several months before the hearing.

The Tenant also stated that she gave another evidence package and amendment to the Landlord by in person, around 2 weeks before the hearing.

With respect to the Tenant's second evidence package and amendment, and, as stated in the hearing, Residential Tenancy Branch Rule of Procedure 3.14 requires that evidence to be relied upon at a hearing must be **received** by the Residential Tenancy Branch and the respondent not less than 14 days before the hearing (Received by November 29, 2022). The RTB did not receive the Tenant's amendment until December 1, 2022. Since this amendment was served and submitted late, and contrary to the Rules, I will not consider it.

Further, I note the Tenant tried to amend her application to include 12 month's compensation related to a 2 Month Notice to End Tenancy (new item to be added on to initial application), as well as a claim for rent reduction for past issues (which was already on her initial application). However, I note that in the Tenant's request for a rent reduction, she failed to sufficiently provide the full particulars of the claim. She failed to provide any indication how she calculated the amount sought, including relevant dates,

time periods, amounts, and issues. Pursuant to section 59 2(b), I dismiss the Tenant's application for a rent reduction, with leave to reapply. Also, given the Tenant filed her application (amendment) for 12 months' compensation late, I dismiss this with leave to reapply, as well.

The remainder of the Tenant's application is moot, since the tenancy is over, and the remaining moot grounds will be dismissed, without leave.

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: December 14, 2022

Residential Tenancy Branch