



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OLC, RR, LRE, PSF, MNRT, MNDCT, FFT

Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenant in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss, for a rent reduction, to recover the cost of emergency repairs for an Order requiring the Landlord to provide services or facilities, for an Order suspending or setting conditions on the Landlord's right to enter the rental unit, for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* and/or the tenancy agreement, and to recover the fee for filing this Application for Dispute Resolution.

The Tenant stated that on September 06, 2022 the Dispute Resolution Package was personally served to an agent for the Landlord with the initials "VS". In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Landlord did not appear at the hearing. As the documents were properly served to the Landlord, the hearing proceeded in the absence of the Landlord.

On September 21, 2022 the Tenant submitted evidence to the Residential Tenancy Branch. The Tenant stated that this evidence was mailed to the Landlord on September 02, 2022. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 88 of the *Act* and it was accepted as evidence for these proceedings.

On September 23, 2022 the Landlord submitted evidence to the Residential Tenancy Branch. The evidence was described to the Tenant and she stated that it was not served to her as evidence for these proceedings. As the Landlord did not attend the

hearing to establish that this evidence was served to the Tenant, the evidence was not accepted as evidence for these proceedings.

The participants were given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. Each participant affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

Issue(s) to be Decided:

Is the Tenant entitled to compensation as a result of a sewage backup?

Is the Tenant entitled to a refund for sewage fees?

Is there a need to issue an Order requiring the Landlord to make repairs?

Is there a need to suspend or set conditions on the Landlord's right to enter the unit?

Is there a need to issue an Order requiring the Landlord to provide services or facilities?

Background and Evidence:

When we were discussing the Tenant's claim for compensation she was asked if she submitted receipts to corroborate her claim that she paid to stay in a hotel as a result of being displaced from the rental unit. She replied that she submitted this, and other evidence, to the Residential Tenancy Branch on November 07, 2022.

The Tenant was advised that Residential Tenancy Branch records show that no evidence was submitted by the Tenant after September 21, 2022 and, as such, I would be unable to view the evidence she allegedly submitted on November 07, 2022.

The Tenant was asked if she would like to continue with the hearing, with the understanding that I could not view her evidence, or if she would like to withdraw her Application for Dispute Resolution, with the understanding that she could file another Application for Dispute Resolution with which she could submit her supporting evidence. The Tenant opted to withdraw her Application for Dispute Resolution and proceed at a later date.

Analysis:

I find that the Tenant has withdrawn her Application for Dispute Resolution, as evidence she believes was submitted does not appear to have been received by the Residential Tenancy Branch.

The Tenant retains the right to file another Application for Dispute Resolution in regard to these matters.

Conclusion:

The Application for Dispute Resolution was withdrawn at the hearing.

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: January 19, 2023

Residential Tenancy Branch