



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing.

Preliminary Issue – Particulars of tenant's application and evidence submissions

The tenant originally filed an application requesting repairs and a rent reduction. The tenant is now also seeking aggravated damages, but the tenant did not amend her application to include this claim. The tenant's evidence submissions on file were also not organized as the tenant submitted numerous links all of which were not specifically named or numbered as required by the Rules of Procedure.

The landlord also submitted evidence online the morning of the hearing, so the Arbitrator did not have the opportunity to review the landlord's submissions prior to the hearing. The tenant stated that she had not yet received the landlord's evidence submissions which were sent by registered mail 14 days prior to the hearing.

Due to the above shortcomings, I determined that the most appropriate recourse was to dismiss the tenant's application with leave to reapply.

Conclusion

The tenants' application is dismissed in its entirety with leave to reapply.

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: May 09, 2023

Residential Tenancy Branch