



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MNDC, FF, O

Introduction

This hearing was scheduled to deal with cross applications. The tenant applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and the landlord applied for an Order of Possession for unpaid rent. Both parties also requested monetary compensation against the other.

Both parties appeared or were represented at the hearing and were provided the opportunity to make relevant submissions, in writing and orally pursuant to the Rules of Procedure, and to respond to the submissions of the other party.

The parties confirmed that the tenant has vacated the rental unit. As such, the tenant's request to cancel the 10 Day Notice and the landlord's request for an Order of Possession were moot.

Both parties indicated they wished to proceed with their respective monetary claims, including a verbal request by the tenant that his application be amended to increase the claim. I determined that both parties had failed to comply with the Rules of Procedure with respect to serving their documentary evidence. Neither party had served their documentary evidence at the time of, or shortly after, filing. Rather, both parties delayed and served their evidence late.

As the parties were informed during the hearing, the Rules of Procedure provide that evidence that is available at the time of filing an Application for Dispute Resolution should be served upon the Branch and given to the other party when serving their Application for Dispute Resolution. Evidence that is not available at the time of filing is to be served upon the Branch and the other party no later than five days before the scheduled hearing date. When serving the Branch or a business, weekends, holidays and the date of service and the hearing are not included in calculating five days. The purpose of the above requirements is in keeping with the principles of natural justice

and permits the other party sufficient time to review and prepare a response to the evidence.

In light of the above, I indicated that I would proceed with monetary claims without considering the late-filed documentary evidence. Requests for withdrawal, with liberty to reapply, were made. I granted the requests and dismissed both monetary claims with leave to reapply.

Conclusion

The monetary claims filed by both parties have been dismissed 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: January 29, 2014

Residential Tenancy Branch

