



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, OLC, RP, PSF, RPP, LRE, AAT, RR, FF, O

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking several orders against the landlord including a monetary order.

The hearing was conducted via teleconference and was attended by the tenant and several witnesses; his advocate and the landlord.

At the outset of the hearing I identified to both parties that since the matter of whether or not a tenancy exists was yet to be determined at the hearing scheduled for March 27, 2014 that I found this Application by the tenant to be premature.

Both parties identified that they were unaware of a hearing that was scheduled for March 27, 2014 at 1:00 p.m. I advised both parties to contact an Information Officer at the Residential Tenancy Branch immediately after this hearing to find out more details and how to call in to that hearing. I advised the parties that they could bring up the issues regarding notification of that hearing and any service of evidence issues at that time.

In addition, I noted that the tenant had failed to submit his evidence in accordance the timeline requirements set out in the Residential Tenancy Rules of Procedure. Rule of Procedure 3.1 states that together with a copy of the Application for Dispute Resolution the applicant, in this case the tenant, must serve the respondent, in this case the landlord, with copies of, among other things, the details of the monetary claim and any other evidence the applicant intends to rely upon, at the time of the Application and notice of hearing documents..

Rule 3.5 states that for evidence not available at the time the Application was submitted to the Residential Tenancy Branch the applicant must serve the respondent as soon as possible and at least 5 days prior to the prior to the hearing. "At least" excludes the day the evidence is received; the day of the hearing; and any weekend days or statutory holidays in between. In the case before me the deadline to meet this requirement would have been March 14, 2014.

Further, the tenant had submitted most of his evidence on either a DVD including much documentation that could be printed and submitted. Rule of Procedure 11.8 stipulates that digital evidence includes items that cannot be readily reproduced on paper. In addition there was no indication in the tenant's submission that he had confirmed with the landlord she could access the evidence on DVD.

#### Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to orders to have the landlord complete repairs; provide services or facilities required by law; return the tenant's personal property; suspend or set conditions on the landlords' right to enter the rental unit; allow access to or from the unit for the tenant or the tenant's guests; allow the tenant to reduce rent for repairs; services or facilities agreed upon but not provided; to a monetary order the cost of emergency repairs; for damages or losses suffered by the tenant and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 29, 30, 32, 33, 67, and 72 of the *Residential Tenancy Act (Act)*.

#### Conclusion

For the reasons noted above, I dismiss the tenant's Application 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: March 24, 2014

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Residential Tenancy Branch

