



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNDC, OLC, RP, PSF, RR, FF

This hearing was scheduled for Thursday, May 1, 2014, to deal with an application by the tenants for orders awarding them compensation for damage or loss under the Act, regulation or tenancy agreement; compelling the landlords to comply with the Act, regulation or tenancy agreement; compelling the landlords to make repairs; compelling the landlords to provide services or facilities as required by law; and allowing the tenants to reduce the rent for repairs, services or facilities agreed upon but not provided. Both parties appeared and had an opportunity to be heard.

At the outset the tenants advised that all of the repairs requested in their application had been done by the landlords and no further order with respect to repairs was required.

The landlords said they had filed their evidence package with the Residential Tenancy Branch on Friday, April 25, 2014. The tenants acknowledged receipt of the landlords' evidence. However, there was no record on the file that the landlords had submitted any evidence to the Residential Tenancy Branch.

The tenants had served an additional evidence package on the landlords on Tuesday, April 29, although the landlords' agents had not actually seen the evidence by the time of the hearing. It had been submitted to the Residential Tenancy Branch the day before and was on the file at the time of the hearing.

The deadlines for serving and filing evidence are clearly set out in the fact sheet provided with each application for dispute resolution and required to be served with each application.

“How to calculate the deadline for submitting evidence to the RTB

- Count five full days before the hearing date
- Do not count weekends or government holidays
- Do not count the hearing day
- Do not count the day when you submit the evidence

If your deadline is *at least* five (5) **business** days and your hearing is on Monday the 19th, then the deadline for submitting the evidence to the RTB is the previous Friday, the 9th.

How to calculate the deadline for serving evidence on a person

- Count five full days before the hearing date
- Do not count the hearing day
- Do not count the day when you serve the evidence
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If your deadline is *at least* five (5) **calendar days** and your hearing is on Monday the 19th, then the deadline for serving the evidence on a person is the previous Tuesday, the 13th."

Therefore, for a hearing set for May 1 the parties should have served their evidence on each other by Thursday, April 24 and should have filed their evidence with the Residential Tenancy Branch by Wednesday, April 23.

Both parties submitted their evidence to the Residential Tenancy Branch after the deadline for doing so. However, because both parties had received the other's evidence and I believed the landlords' statement that they had filed their evidence and I thought it the reason that was not noted on the file was administrative error, I decided to adjourn the hearing to a date and time convenient to both parties so that all the evidence would be before me prior to the actual hearing.

The first day that was convenient to both parties was Monday, May 26 at 9:00 am. Both parties were advised that if they wished to submit additional evidence it should be served and filed as soon as possible.

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, 2014

Residential Tenancy Branch

