



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding I.B.J. Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This is an application for a Monetary Order for \$5967.19.

Decision

No hearing was held because, for the second time, the applicants have failed to follow the Rules of Procedure regarding digital evidence.

The hearing was originally convened on March 27, 2014 however the applicants had submitted digital evidence to the Residential Tenancy Branch on a DVD that turned out to be blank. On that occasion the applicants failed to check with the Residential Tenancy Branch, as required in the Rules of Procedure, prior to the hearing to ensure that the digital evidence was able to be viewed.

Since the respondents did not appear at the original hearing I granted an adjournment to allow the applicants to resubmit the digital evidence, rather than simply dismissing the application.

The hearing was therefore reconvened to today's date, May 27th 2014, however again the applicants have failed to follow the Rules of Procedure regarding digital evidence.

In Section 11.8 of the Rules of Procedure it states:

The format of digital evidence must be accessible to all parties. Before the hearing, the party submitting the digital evidence must determine that the other party and the Residential Tenancy Branch have playback equipment or are otherwise able to gain access to the evidence.

If a party asks another party about their ability to gain access to a particular format, device or platform, the other party must reply as soon as possible and so that all parties have 5 days with full access to the evidence.

In this case the applicants failed to contact the other party to ensure that the other party was able to gain access to the evidence.

Further, Section 11.8 of the Rules of Procedure also states:

Digital evidence includes photographs, audio recordings, video recordings or other material provided in an electronic form that cannot be readily reproduced on paper.

Digital evidence must be accompanied by a written description and meet the time requirements for filing and service established in Rule 3.1 and Rule 3.5.

In this case the applicants failed to provide a written description of the digital evidence, and also included numerous pages of their inspection report, in digital form, even though that document could have been readily reproduced on paper.

Conclusion

Since this is the second time that the applicants have failed to comply with the Rules of Procedure, I'm not willing to simply adjourn this hearing, and I therefore dismiss this application, in full, 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 27, 2014

Residential Tenancy Branch

