



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This was a hearing with respect to applications by the tenant and by the landlord. The hearing was conducted by conference call. The tenant and the landlord called in and participated in the hearing. The tenancy ended in January. Both parties are now applying for monetary awards.

At the hearing I asked the parties about the documentary and digital evidence that had been provided. The landlord submitted a package of evidence to the Residential Tenancy Branch. The tenant testified that he did not receive any evidence from the landlord. The landlord testified that he attended at the tenant's address provided in his application for dispute resolution to drop off the evidence and he was told by the occupant that the tenant does not live there. He said that he left the evidence in the mailbox.

The tenant denied receiving any evidence from the landlord. He said that the address he provided is his parents' address and he is using it as his mailing address. He claimed that the landlord is aware that the tenant's parents live at the address provided and he denied that any evidence was left in the mailbox.

Analysis and conclusion

The landlord attempted to deliver evidence to the tenant at the address for service stated in the tenant's application for dispute resolution. The landlord was told that the tenant did not live at the address. According to the landlord, evidence was left in the mailbox, but the tenant denied receiving any documents. Because of the contradictory testimony about the delivery of evidence, I decided to adjourn the hearing and directed the parties to exchange their evidence by sending it to the other party by registered mail. The landlord provided his new address for delivery at the hearing and the tenant

confirmed that his mailing address is as stated on his application, although he does not live at that address.

After the hearing I reviewed the tenant's digital evidence. The tenant has submitted documentary evidence in digital form on a USB flash drive, contrary to the rules of procedure with respect to digital evidence. The Rules of Procedure provide that:

3.10 Digital evidence

Digital evidence includes only photographs, audio recordings, and video recordings. Photographs of printable documents, such as e-mails or text messages, are not acceptable as digital evidence.

The tenant submitted digital copies of invoices and a mould report as well as numerous text messages in the form of photographic images, contrary to the rule with respect to digital evidence.

The hearing has been adjourned and it will be reconvened as a conference call hearing. The parties will receive by mail a Notice of the Reconvened Hearing specifying the time, date and call-in particulars for the reconvened hearing.

The landlord is instructed to forthwith send all of his evidence to the tenant's mailing address by registered mail.

The tenant has been cautioned and advised that he must provide copies of his documentary evidence to the landlord and to the Residential Tenancy Branch if he wishes to have it considered at the reconvened hearing.

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: June 12, 2015

Residential Tenancy Branch

