



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      OPL, OPC, OPB, FF; CNC, CNL, MNDC, OLC, O

### Introduction

This matter proceeded by way of an *ex parte* Proceeding, pursuant to section 76(1)(a) of the *Act* and Rules 7.1 and 7.2 of the *Rules of Procedure*. On October 16, 2015, the Residential Tenancy Branch received a request, dated October 15, 2015, from the tenant. The tenant requested that the landlords' son, KV ("witness") be summoned to testify at the upcoming hearing for both matters on November 2, 2015. The tenant provided the name, address and telephone number of the witness, as well as a one-page description summarizing the evidence to be expected from the witness and the purpose for which the evidence was required. The tenant did not request any specific documents, photographs, video, audio or other physical evidence be brought by the witness to the hearing.

The tenant confirmed that she required a summons so that the witness could testify as to conversations that occurred between the witness and the tenant, the witness and another occupant, KM, in the same rental building ("occupant"), and the occupant and the tenant. The tenant indicated that the witness previously agreed to provide her with a letter regarding the above conversations but that the witness failed to provide the letter for the upcoming hearing. The tenant alleges that the occupant made false statements to the landlord, that she intends to disprove by way of having the witness testify at the upcoming hearing.

### Issues to be Decided

Should the witness be summoned to testify?

### Analysis

The central issue with respect to the tenant's application is whether this tenancy will continue. Both parties have made applications relating to the landlord's 1 Month Notice

to End Tenancy for Cause ("1 Month Notice") as well as the landlord's 2 Month Notice to End Tenancy For Landlord's Use of Property ("2 Month Notice"). The tenant has also asked for other relief, including a monetary order for damage or loss, an order for the landlord to comply, as well as "other" unspecified relief.

I find that the tenant intends to elicit hearsay evidence from the witness at the upcoming hearing. Hearsay evidence is statements that are told to one person by another person. The tenant indicated that she wanted the witness to provide sworn testimony with respect to conversations that he had with the occupant. I find that hearsay evidence has very little probative value. The tenant stated that various negative comments were made during discussions between the tenant and occupant. I find that the relevance of such evidence at this hearing is minimal, if any, particularly given that the central issue is whether this tenancy will continue.

Accordingly, the tenant's request that the witness be summoned to testify is denied.

### Conclusion

The tenant's request that the witness be summoned to testify is denied.

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: October 21, 2015

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Residential Tenancy Branch

