



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, FF

On November 13, 2015, the Residential Tenancy Branch received from the applicant a request that a summons to appear be issued. The applicant requested that the manager of the residential property who signed the receipt for their security deposit be summoned as “she can contribute some clarity before you at this time.” [*reproduced as written*]

Section 5.3 of the Residential Tenancy Rules of Procedure provides as follows:

### **5.3 Application for a summons**

On the written request of a party or on the director's own initiative, the director may issue a summons. A summons is only issued in cases where the evidence is necessary, appropriate and relevant. A summons will not be issued if a witness agrees to attend or agrees to provide the requested evidence. A request to issue a summons must be submitted, in writing, to the Residential Tenancy Branch directly or through a Service BC office, and must:

- state the name and address of the witness;
- provide the reason the witness is required to attend and give evidence;
- describe efforts made to have the witness attend the hearing;
- describe the documents or other things, if any, which are required for the hearing; and
- provide the reason why such documents or other things are relevant.

The applicant stated the witness' name and address but did not provide the other required information. A summons to appear is only issued when it is clear that it is required because the witness' testimony is relevant and she will not participate in the hearing without being ordered to do so.

If the applicant believes that the manager's testimony is relevant and vital to their case, they should ask her to attend the hearing as their witness and if she refuses to do so, they may then submit a request for a summons which clearly outlines the aforementioned criteria.

I dismiss the application for an order for a summons to testify 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: November 30, 2015

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Residential Tenancy Branch

