



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL

Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the landlords seeking an Order of Possession for landlord's use of property.

Both landlords attended the hearing, however the line remained open while the phone system was monitored for 10 minutes, and no one for the tenant attended the call.

The landlords have not provided a copy of a 2 Month Notice to End Tenancy for Landlord's Use of Property.

The Residential Tenancy Branch Rules of Procedure state:

2.5 Documents that must be submitted with an Application for Dispute Resolution

To the extent possible, at the same time as the application is submitted to the Residential Tenancy Branch directly or through a Service BC office, the applicant must submit:

- ☐ a detailed calculation of any monetary claim being made;
- ☐ a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and
- ☐ copies of all other documentary and digital evidence to be relied on at the hearing.

When submitting applications online, the applicant must submit the required documents to the Residential Tenancy Branch directly or through a Service BC office within three business days of submitting the online Application for Dispute Resolution.

3.19 Submitting evidence after the hearing starts

No additional evidence may be submitted after the dispute resolution hearing starts, except as directed by the arbitrator. In providing direction, the arbitrator will:

a) specify the date by which the evidence must be submitted to the Residential Tenancy Branch directly or through a Service BC office and whether it must be served on the other party; and

b) provide an opportunity for the other party to respond to the additional evidence if required.

In considering whether to admit documentary or digital evidence after the hearing starts, the arbitrator must give both parties an opportunity to be heard on the question of admitting such evidence.

In this case, the tenant has not attended the hearing, and has not been heard. The landlords have not provided the evidence required, and In the absence of the tenant, I find that it would be prejudicial to the tenant to allow late evidence from the landlord. Therefore, I dismiss the landlords' application with leave to reapply.

Conclusion

For the reasons set out above, the landlords' application is hereby dismissed 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 25, 2016

Residential Tenancy Branch