



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Harvest View Development Corp.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, MNDC, MNR, MNSD

### Introduction

This is an application brought by the Landlord(s) requesting a monetary order in the amount of \$8071.60 and requesting recovery of the \$100.00 filing fee.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on August 11, 2016 however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Decision in Reasons

At the beginning of the conference call I informed the landlord that I had a completely empty file, other than the application for dispute resolution, and asked the landlord if he had provided the Residential Tenancy Branch with any of the hearing documents or evidence, and he stated he had not, as he thought he only had to provide it to the respondents.

Section 2.5 of the Residential Tenancy Rules of Procedure states:

#### **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.** *(my emphasis)*

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.

Further, section of the residential tenancy rules of procedure states:

**3.14 Evidence not submitted at the time of Application for Dispute Resolution**

Documentary and digital evidence that is intended to be relied on at the hearing must be received by the respondent **and the Residential Tenancy Branch** directly or through a Service BC office not less than 14 days before the hearing.

In this case, since the applicant has not complied with the rules of procedure and has not submitted any evidence to be relied on at the hearing, I am unwilling to proceed with this dispute resolution hearing.

Conclusion

This application is dismissed 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: February 07, 2017

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Residential Tenancy Branch