



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MND, MNDC, MNSD, MNR, SS

### Introduction

This is an application brought by the Landlord requesting a monetary order for \$5157.21 and requesting recovery of the filing fee.

The respondent(s) did not join the conference call that was set up for the hearing.

All parties were affirmed.

### Decision reasons

This application was originally scheduled to be heard on April 11, 2017, however at that time the respondents testified that they had not received the landlord's evidence package and had only received the notice of hearing. It was my decision therefore to have the hearing rescheduled, and I instructed the landlord to serve the tenant with the evidence package as soon as possible.

The hearing was rescheduled for today May 18, 2017, and the new hearing letters were mailed to the parties on April 13, 2017, and therefore are deemed received by April 18, 2017.

The landlord, however failed to serve the evidence package on the tenants in a timely manner, and, in fact, the evidence package was not mailed until May 9, 2017, only 9 days before today's hearing.

Section 3.14 of the 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.

It is my finding, that, even though the applicant was given ample time to serve the documents according to the rules of procedure, the applicant failed to do so, and it is my decision therefore that I will not proceed with today's hearing.

Pursuant to section 62 of the Residential Tenancy Act this application is dismissed with leave to reapply.

#### Conclusion

This application has been 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: May 18, 2017

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Residential Tenancy Branch