



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PHS Community Services Society  
and [tenant name suppressed to protect privacy]

## **INTERIM DECISION**

Dispute Codes      OLC

### Introduction

This hearing dealt with 11 Applications for Dispute Resolution joined to be heard together seeking orders to have the respondent comply with the *Residential Tenancy Act (Act)*, the Residential Tenancy Regulation (Regulation), or the respective tenancy agreements.

The hearing was conducted via teleconference and was attended by the lead applicant; two additional applicants; their advocates; a friend to provide support and three agents for the respondent.

While the hearing was originally convened on May 2, 2017 and I declined to grant an adjournment in my Interim Decision of May 2, 2017 I did allow the parties to submit additional documentary evidence for reasons outlined in that Interim Decision. I also noted that once the written submissions were made I would consider whether to reconvene the hearing or to write a final decision based solely on the written submissions.

In that May 2, 2017 Interim Decision I made the following orders:

- I order the respondent is allowed to submit to the Residential Tenancy Branch and serve to the applicants' advocates, no later than the end of business on May 10, 2017 documentary evidence in response to the applicants' Applications and their oral submissions made during this hearing;
- I order the applicants are allowed to submit to the Residential Tenancy Branch and serve to the respondent, no later than the end of business on May 17, 2017 documentary evidence in response to the respondent's documentary submissions noted above;
- I order each of the parties may exchange one copy of the above noted evidence by email and that such service will be deemed received by the other party immediately upon sending the email. I note the parties, during the hearing, provided specific email addresses for this service and to be used by me to send each of the parties a copy of this Interim Decision;

- I order each of the parties, once they receive the other party's evidence, to provide an email confirmation that they have received that evidence and provide a copy of that email to the Residential Tenancy Branch.

On May 9, 2017 the landlord's legal counsel submitted a letter to request an extension of the timeframes set out in the May 2, 2017 Interim Decision. Counsel seeks to extend the deadline for the landlord's submissions to May 15, 2017 and to allow the tenants' to provide their responses by May 22, 2017.

In their letter the landlord's legal counsel wrote:

"The Respondent took the steps to seek out counsel following the hearing. The Respondent contacted us on Friday, May 5, 2017, and we have since been reviewing the Application materials, including the ten affidavits filed with the Applications, and the supporting documents."

As noted in the May 2, 2017 Interim Decision, I found that for the most part, the reason for the landlord's original request for an adjournment arose out of their negligence in providing a current service address and then internally forwarding their mail.

In addition, at the time of the hearing on May 2, 2017 the landlord's agents had stated that they had already been trying to contact their legal counsel and yet from the landlord's counsel's May 9, 2017 I am informed that the landlord did not contact legal counsel until 3 days after the May 2, 2017 hearing and both my oral orders and written Interim Decision had been provided to both parties.

Again, I find the landlord is failing to prepare for their submissions in a diligent manner. I find that this delay is again based on the failure of the landlord to be responsive to this Application for Dispute Resolution.

Residential Tenancy Branch Rule of Procedure 3.14 states, in regard to evidence not submitted at the time of Application for Dispute Resolution by the applicant, that 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.

Rule of Procedure 3.15 states that evidence that is intended to be relied on by the respondent at the hearing are served on the applicant and submitted to the Residential Tenancy Branch as soon as possible. In all events, the respondent's evidence must be received by the applicant and the Residential Tenancy Branch not less than 7 days before the hearing.

As such, in a normal proceeding the respondent would receive the applicant's evidence no later than 14 days before the hearing and the respondent would have, at most, 7 days to compile and serve their evidence to the other party.

In this case that means that the landlord should have received the tenants' evidence by April 17, 2017 and the landlord would have had until April 24, 2017 to serve the tenants and the Residential Tenancy Branch with all of their responsive evidence or a total of 7 days.

At the time of the hearing and my Interim Decision of May 2, 2017, I accepted the landlord had received the tenants' Applications and evidence by April 18, 2017. As such, the landlords should have served the tenants with their evidence still by April 24, 2017 to comply with Rule 3.15 or perhaps to extend the time frame so they would have had the full 7 days to April 25, 2017.

Yet, I granted the landlord until May 10, 2017 to provide their documentary evidence or a total of 22 days from the date that they received the tenants' Application and evidence. I find it is audacious of the landlord to request an additional 5 days when all of the delays have been because of their own lackadaisical approach to these proceedings.

For these reasons, I find any further delays in this proceeding are unacceptable.

#### Issue(s) to be Decided

The issues to be decided are whether the applicants are entitled to an order requiring the responded to comply with the requirements set forth in the *Act* and Regulation, pursuant to Section 30 of the *Act* and Section 9 of the Regulation Schedule.

#### Conclusion

Based on the above, I decline to grant the landlord an extension to the previous orders made in the Interim Decision of May 2, 2017.

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 9, 2017

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Residential Tenancy Branch