



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNSD, MNR, MNDC

Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of \$16,061.28.

Decision and Reasons

This application was originally filed on December 23, 2016, however the applicant failed to provide evidence for the hearing, of any kind, to the respondents, and failed to provide any evidence to the Residential Tenancy Branch until June 12, 2017, and subsequently further evidence on June 14, 2017. No evidence was provided with the initial application.

Rule 3.14 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.

Therefore in this case, the applicant has failed to comply with section 3.14 by failing to provide any evidence to the tenants, and failing to provide evidence within the required timeframe to the Residential Tenancy Branch.

I therefore questioned the applicant as to why, since she had almost 6 months to provide her evidence, she failed to provide it within the time frame required. The applicant stated that she has numerous mental health issues that interfered with her

ability to supply her evidence in a timely manner. She further stated she provided a letter from a mental health professional in support of this claim.

I have reviewed the letter from the mental health professional, however that letter was written in November of 2010, and the applicant has failed to provide any current information from a mental health professional to support her claims. It is my decision that this letter from November 2010 does not give me any information about the applicant's present mental state, and it does not excuse the applicant from following the rules of procedure.

It is my decision therefore that I am unwilling to accept the late evidence supplied by the landlord, and, since the landlord has failed to provide any evidence whatsoever to the respondents, it is my decision, pursuant to section 62(4) of the Residential Tenancy Act, that filing an application for dispute resolution, then failing to properly provide any evidence to support that claim, is an abuse of the dispute resolution process, and this application is therefore dismissed.

Conclusion

This application has been dismissed in full, without 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: June 26, 2017

Residential Tenancy Branch