



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

MNDC FF

### **Introduction**

This matter was convened for a conference call hearing at 9:30 a.m. on this date in response to an application by the tenant made October 15, 2018 for a Monetary Order for loss. Two of the landlord's representatives, and later the tenant appeared in this matter. The landlord informed at the outset of the hearing they began receiving evidence from the tenant by e-mail some days before this hearing, as well as this morning, and did not feel aptly informed of the tenant's claim against them. I also note the Branch received an abundance of similarly late evidence from the tenant. At the outset of the hearing the tenant stated they sought to adjourn this matter to allow them to file evidence as they were experiencing difficulties in doing so.

### **Analysis and Conclusion**

As applicant, the tenant has the burden of proving their claim and, in that advancement must provide any evidence upon which they seek to rely to the respondent and the Branch, as soon as possible and within the required time parameters to do so. I am not satisfied the landlord has been provided the evidence and been sufficiently informed of the case against them. I am further not satisfied that the tenant has appropriately submitted evidence pursuant to the Rules of Procedure or the instructions given them for submitting their evidence to the respondent in this matter. The tenant was informed it is available to them to seek guidance from an Information Officer of the Branch in respect to seeking a remedy to their tenancy issues or advancement of a claim.

Under the circumstances *in this matter* I find the landlord has not been appropriately served with the tenant's evidence. As there is no prejudice to the landlord I **dismiss** the tenant's application, with leave to reapply. It must be noted that the parties were both informed as to the ultimate time in which a party must submit an application.

**This Decision is final and binding.**

*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 26, 2018

---

Residential Tenancy Branch