



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding (Landlord) RANCHO MANAGEMENT SERVICES BC LTD and
(Tenant) ZETAN ENTERPRISES
and [tenant name suppressed to protect privacy]

DECISION

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

Introduction

This hearing dealt with an application by the landlord, pursuant to the *Residential Tenancy Act*. The landlord applied to recover the cost of cleaning, loss of income, strata fines and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his claim.

Both parties attended this hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant represented himself. The landlord was represented by their agents.

As both parties were in attendance I confirmed service of documents. The parties stated that they had served each other with their evidence but did not file any proof of service. Both parties denied having received the other's evidence. The evidence of both parties was uploaded to their electronic files and was before me. However, since the parties had not received evidence of the other, I was unable to use the uploaded evidence in the making of a decision.

Attempts were made to settle this dispute, but the parties could not come to an agreement.

Analysis

The purpose of serving evidence to the other party is to notify the person being served of matters relating to arbitration and to provide the person with an opportunity for rebuttal.

Rule 3.5 of the *Rules of Procedure* addresses proof of service required at the dispute resolution hearing. At the hearing, the parties must be prepared to demonstrate to the

satisfaction of the arbitrator that other party was served with all evidence as required by the Act and these Rules of Procedure.

In this case both parties stated that they had served the other party with their evidence but had not received the other party's evidence. Neither party provided proof of having served evidence.

Based on the above, I dismiss the landlord's application with leave to reapply.

Conclusion

The landlord's application is 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: February 21, 2019

Residential Tenancy Branch