



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ABBOTSFORD CO-OPERATIVE
HOUSING and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OLC

Introduction and Preliminary Matters

On January 21, 2019, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting to cancel a One-Month Notice to End Tenancy for Cause, and for an order for the Landlord to comply with the Act. The matter was set for a participatory hearing via conference call.

The Landlord and Tenant attended the hearing and provided testimony. The Tenant stated that she did not serve her evidence to the Landlord. The Landlord testified that they served their evidence to the Tenant on February 28, 2019.

I find that both parties failed to exchange their evidence in accordance with the *Residential Tenancy Rules of Procedure*.

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.

Rules 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 February 18, 2019, and the Landlord would have had until February 25, 2019 to serve the Tenant and the Residential Tenancy Branch with all of their responsive evidence, or a total of 7 days.

As a result of both parties failing to exchange their evidence pursuant to the Rules of Procedure, I dismiss this Application with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply, however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: March 04, 2019

Residential Tenancy Branch