



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC MNDC OLC RP PSF LRE AAT LAT RR FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47;
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. All named parties attended the hearing. The landlord introduced five witnesses at the outset of the hearing. The witnesses were asked to exit the teleconference until such time that they were called upon to provide testimony. No issues were raised by the parties with respect to service of the tenant's application and respective evidence submissions on file.

Preliminary Issue(s) – Adjournment request by tenants / Clarification of issues in dispute / Disorderly evidence submission by tenants

At the outset of the hearing, the tenant requested an adjournment due to medical reasons. Five days prior to the hearing, the tenant had also submitted a note from her doctor regarding the adjournment request. A copy of this note was provided to the landlord.

The landlord objected to the adjournment request as the landlord was prepared to proceed with the hearing as scheduled and had arranged for several witnesses to be available to call into the conference call. The landlord questioned why the tenant could not proceed as she had called into the conference.

The tenant submits that she recently suffered a head and neck injury which the landlord is aware of. The tenant submits that she has significant cognitive issues because of the injury and she would not be capable of following along with the proceedings.

The tenant also clarified that she has a separate application filed to dispute a One Month Notice the hearing for which is scheduled for October 31, 2019. Both parties confirmed being aware of this separate application and hearing date. The tenant stated that she must have checked off disputing a One Month Notice in this application by mistake.

In reviewing the parties respective evidence submissions on file, I note that the tenants' submitted a vast amount of documentary evidence. Although the tenants appear to have numbered and labeled each individual document, majority of the tenants' evidence was uploaded to the online evidence portal in numerous individual pieces rather than a single PDF file. As a result, the tenants evidence submissions display in a very disorderly manner making them very problematic to review and to refer to. Several the tenants' documents also appear to have failed to load and do not open.

Residential Tenancy Branch Rule of Procedure 3.7 provides that evidence submitted by a party must be organized, clear and legible.

Considering the tenant's adjournment request, the landlord's ensuing objection, the upcoming hearing regarding a Notice to End Tenancy and the issues with the tenants' disorderly evidence submissions, I determined that it is fair and more appropriate to dismiss this application in its entirety with leave to reapply rather than proceed with the hearing or adjourn this matter. This was the tenants' application and the tenant herself

requested an adjournment; therefore, nothing in the tenants' application appeared to need urgent addressing. Depending on the outcome of the October 31<sup>st</sup> hearing, much of the issues identified in the tenants' application could become moot if the tenancy comes to an end. Unless there is an issue which requires urgent addressing, the tenants are advised to wait until the outcome of the October 31<sup>st</sup> hearing should they wish to refile this application so only applicable issues can be identified in the new application. Due to the vast amount of documentary evidence, the tenants are instructed to submit all evidence in a single numbered pdf file containing only relevant materials. If the evidence is too large to be uploaded in a single PDF document, it can be uploaded in bulk parts. As this was a teleconference hearing and it was in response to the tenants' application, I find the landlord was not unduly prejudiced by dismissing this application with leave to reapply.

### Conclusion

The tenants' application is dismissed in its entirety 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: September 20, 2019

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Residential Tenancy Branch