



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDC RPP FF

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The Tenants applied for monetary compensation for multiple items as well as the return of their personal property, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlord and the Tenants all attended the hearing. The Landlord confirmed receiving the Tenants' Notice of Hearing in early August 2019, and he did not take issue with the service of this document. Subsequently, the Tenants waited until November 7, 2019, to send their evidence by registered mail. Although the Landlord signed for the package on November 13, 2019, pursuant to section 88 and 90 of the Act, documents served in this manner are deemed served 5 days after they were mailed, which would be November 12, 2019. I find the Landlord was deemed served with the Tenants' evidence on November 12, 2019.

Residential Tenancy Branch Rule of Procedure 3.14 requires that the applicant's evidence to be relied upon at a hearing must be received by the Residential Tenancy Branch and the respondents not less than 14 days before the hearing. In this case, that date was November 11, 2019. I find the Tenants' evidence was served late, and not in accordance with the Rules of Procedure. Furthermore, the Tenants submitted over 100 pages of documentation, which the Landlord stated he did not have time to read before he served the Tenants with his evidence. I find it would be prejudicial to the Landlord to allow the Tenants' evidence to be admitted, as such, I find the Tenants' documentary evidence will not be considered.

The Tenants confirmed receipt of the Landlords evidence on November 13, 2019.

The Tenants were made aware during the hearing that their evidence was not served in a fair manner (large volume at the last minute), and in accordance with the Rules of Procedure. The Tenants were unaware of the rules, and they requested to withdraw their application, in full, so that they could re-apply and serve their evidence properly, rather than proceed today with their oral testimony only. The Landlord did not take issue with this request.

I hereby allow the Tenants to withdraw her application. The Tenants have leave to reapply. However, I encourage both parties to attempt to resolve matters on their own, prior to any subsequent hearings.

### Conclusion

The Tenants' application has been withdrawn in full. The Tenants are at liberty 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: November 25, 2019

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Residential Tenancy Branch