



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, MNDL-S, MNRL-S, FFL

Introduction

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

- a monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (the *Regulation*) or tenancy agreement, pursuant to section 67 of the *Act*;
- authorization to retain a portion of the tenant's security deposit for compensation for damage or loss under the *Act* and rent or utilities, pursuant to section 67 of the *Act*; and
- authorization to recover the filing fee for this application, pursuant to section 72 of the *Act*.

Both the landlords (HK) and (PK) and the tenant (TC) attended.

As both parties were in attendance, I confirmed that there were no issues with service of the landlords' application for dispute resolution.

Preliminary Issue – Evidence

The applicant amended his application and uploaded evidence as late as December 18, 2019. I was unable to discern from the landlord's application the particulars of his monetary claim against the tenant.

Rule of Procedure 3.7 states:

3.7 Evidence must be organized, clear and legible

All documents to be relied on as evidence must be clear and legible.

To ensure a fair, efficient and effective process, identical documents and photographs,

identified in the same manner, must be served on each respondent and uploaded to the

Online Application for Dispute Resolution or submitted to the Residential Tenancy Branch directly or through a Service BC Office.

For example, photographs must be described in the same way, in the same order, such as: "Living room photo 1 and Living room photo 2".

To ensure fairness and efficiency, the arbitrator has the discretion to not consider evidence if the arbitrator determines it is not readily identifiable, organized, clear and legible.

Rule 3.10.1 states:

3.10.1 Description and labelling of digital evidence

To ensure a fair, efficient and effective process, where a party submits digital evidence, identical digital evidence and an accompanying description must be submitted through the Online Application for Dispute Resolution or Dispute Access Site, directly to the Residential Tenancy Branch or through a Service BC Office, and be served on each respondent.

A party submitting digital evidence must:

- include with the digital evidence:
 - o a description of the evidence;
 - o identification of photographs, such as a logical number system and description;
 - o a description of the contents of each digital file;
 - o a time code for the key point in each audio or video recording; and
 - o a statement as to the significance of each digital file;
- submit the digital evidence through the Online Application for Dispute Resolution system under 3.10.2, or directly to the Residential Tenancy Branch or a Service BC Office under 3.10.3; and
- serve the digital evidence on each respondent in accordance with 3.10.4.

The usage of the monetary order worksheet form (RTB-37) is not mandatory (Residential Tenancy Branch Policy Guideline 18). However, the applicants must ensure the written submissions are clear, legible and organized.

It is not clear how many different monetary claims the applicants are making, and how much money they are claiming for each monetary claim. I can not understand what documentary evidence relates to each of the many monetary claims the applicants are making.

Based on the above explanations, I find the applicants did not follow Rules of Procedure 3.1, 3.7 and 3.10.1.

Conclusion

Given the application, amendment and evidence provided by the applicant are not clear, organized and legible, I find it is in the interest of procedural fairness and natural justice to dismiss the entire application with leave to reapply. I do so based on Rule of Procedure 6.1. The leave to reapply does not extend any timelines set out in the Act.

I dismiss without leave to reapply the landlord's claim to recover the filing fee for this application.

I dismiss with leave to reapply the other monetary claims in this 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: January 15, 2020

Residential Tenancy Branch