



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, MNDC

Introduction

This hearing dealt with an application for dispute resolution by the tenant pursuant to the *Residential Tenancy Act*. The tenant applied for an order directing the landlord to return her personal belongings and for a monetary order for loss under the *Act*.

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 parties represented themselves.

As both parties were in attendance, I confirmed service of documents. The tenant has filed a considerable amount of documentary evidence to support her monetary claim of \$35,000.00. The tenant testified that she had served the landlord with her evidence in the form of attachments to an email. The landlord confirmed receipt of the tenant's email but stated that there were no attachments.

The tenant stated that she had served the landlord with her evidence but did not file any proof of service. The tenant's evidence was uploaded to her electronic file and was before me. However, since the landlord had not received the tenant's evidence, 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 the tenant stated that she had served the landlord with her evidence, but the landlord testified that she had not received the tenant's evidence. The tenant did not provide proof of having served evidence.

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

Conclusion

The tenant'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: June 02, 2020

Residential Tenancy Branch