



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing dealt with an application for dispute resolution by the tenant pursuant to the *Residential Tenancy Act*. The tenant applied 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. The landlord was accompanied by her agent and legal counsel.

As both parties were in attendance, I confirmed service of documents. The tenant has filed a considerable amount of documentary evidence to support his monetary claim of \$35,000.00. The landlord also filed a considerable amount of evidence in response to the tenant's claim.

The tenant testified that he had served the landlord with his evidence by registered mail. The landlord confirmed receipt of the tenant's evidence. The landlord testified that she served her evidence by email which is an acceptable form of service at this time, to the tenant's email address as it appeared on the notice of hearing. The tenant confirmed the email address but denied having received the landlord's evidence.

The landlord's evidence was uploaded to her electronic file and was before me. However, since the tenant had not received the landlord's evidence, I was unable to use the uploaded evidence in the making of a decision.

The parties exchanged email and mail addresses during the hearing.

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 the other party was served with all evidence as required by the *Act* and these *Rules of Procedure*.

In this case the landlord stated that she had served the tenant with her evidence, but the tenant testified that he had not received the landlord's evidence.

Based on the above, I dismiss the tenant's application with leave to reapply. The parties agreed to exchange evidence by registered mail in the event the tenant makes an application for dispute resolution.

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 23, 2020

Residential Tenancy Branch