



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RP, RR, LRE, LAT, OLC, DRI, MNDCT, FFT

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- an order requiring the landlord to carry out repairs, pursuant to section 33 of the Act;
- an order to reduce the rent for repairs, services or facilities agreed upon but not provided pursuant to section 65 of the Act;
- an order to restrict or suspend the landlord's right of entry, pursuant to section 70 of the Act;
- an order of authorization for a lock change by the tenant, pursuant to sections 31 and 70 of the Act;
- an order requiring the landlord to comply with the Act, regulations, and/or tenancy agreement, pursuant to section 62 of the Act;
- disputing a rent increase, pursuant to section 43 of the Act;
- a monetary order for compensation for damage or loss under the Act, Residential Tenancy Regulation ("Regulation") or tenancy agreement pursuant to section 67 of the Act; and
- an authorization to recover the filing fee, pursuant to section 72 of the Act.

Both parties attended the hearing. The landlord was represented by property manager SS. All were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. At 9:39 A.M. the landlord disconnected and did not call back. The hearing ended at 9:59 A.M.

The tenant affirmed she moved out of the rental unit on July 08, 2020.

Preliminary Issue – Evidence

The tenant amended her application and uploaded new evidence as late as July 10, 2020, which is less than 14 days prior to the hearing. I was unable to discern from the tenant's application the particulars of her claims against the landlord.

Section 59(2)(b) of the Act states:

- (2) An application for dispute resolution must
 - (a) be in the applicable approved form,
 - (b) include full particulars of the dispute that is to be the subject of the dispute resolution proceedings, and**
 - (c) be accompanied by the fee prescribed in the regulations.

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 of Procedure 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 applicant must ensure the written submissions are clear, legible and organized. The digital evidence details form (RTB-43) does not contain legible hand-writing.

It is not clear how many different monetary claims the applicant is making, and how much money she is claiming for each monetary claim. I can not discern what documentary evidence relates to each of the many monetary claim the applicant is making. On the last page of the written submissions submitted on July 07, 2020 the applicant lists 6 monetary claims but does not specify how much each claim is for.

Based on the above, I find the application does not comply with section 59(2)(b) of the Act and 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 application with leave to reapply. I do so based on my role described in Rule of Procedure 6.1: The arbitrator will conduct the dispute resolution process in accordance with the Act, the Rules of Procedures and principles of fairness.

The leave to reapply does not extend any timelines set out in the Act.

I dismiss without leave to reapply the tenant's claim to recover the filing fee for 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: July 24, 2020