



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL-S, MNDCL-S, FFL

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for a monetary order for damages in the amount of \$16,695.72; and for a monetary order for damage or compensation for damage under the Act in the amount of \$117.00, retaining the security deposit for these claims; and to recover the \$100.00 cost of her Application filing fee.

The Landlord and the Tenants appeared at the teleconference hearing and gave affirmed testimony. I explained the hearing process to the Parties and gave them an opportunity to ask questions about the hearing process.

I considered service of the Application, the Notice of Dispute Resolution Hearing, and documentary submissions. Section 59 of the Act states that each respondent must be served with a copy of the Application for Dispute Resolution, the Notice of Hearing, and the evidentiary submissions on which the Landlord intends to rely.

The Landlord testified that she served the Tenants with her Application and Notice of Hearing documents by Canada Post registered mail, sent on April 23, 2020. However, she said she provided the Tenants with an access code, for review of her submissions to the Residential Tenancy Branch ("RTB"). However, there must have been some miscommunication, because there is no mechanism for parties to view each other's evidence online. Rather, the Landlord should have provided the Tenants with printed copies of the photographs or a thumb-drive on which the photographs were loaded.

I reproduced the relevant RTB Rules of Procedure ("Rules") below. The requirements within these Rules are consistent with principles of natural justice and administrative fairness, with which administrative hearings must be conducted.

### **3.1 Documents that must be served with the Notice of Dispute Resolution Proceeding Package**

The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [Documents that must be submitted with an Application for Dispute Resolution].

There may be some evidence on which the Applicant wants to rely that is not available at the time she applies to the RTB for dispute resolution. The Applicant may submit this evidence to the RTB and serve it on the Respondents, as soon as possible, but not more than 14 days before the hearing, as provided under Rule 3.14.

[underlining emphasis added]

For additional information, explanation or clarification of the Rules or Act, please don't hesitate to call the RTB office and speak with an information officer for clarification of any residential tenancy matter.

In light of the above, I dismiss the Landlord's Application 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: August 27, 2020

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Residential Tenancy Branch