



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, MNDL-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 rent and/or utilities in the amount of \$7,000.00; a monetary order for damages in the amount of \$2,130.00, retaining the security deposit to apply to these claims; and to recover the \$100.00 cost of their Application filing fee.

The Tenant, the Landlord, and an agent for the Landlord, O.Z., 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. During the hearing the Tenant and the Landlord were given the opportunity to provide their evidence orally and to respond to the testimony of the other Party. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules"); however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Neither Party raised any concerns regarding the service of the Application for Dispute Resolution or the documentary evidence. Both Parties said they had received the Application and/or the documentary evidence from the other Party and had reviewed it prior to the hearing.

Preliminary and Procedural Matters

The Parties confirmed their email addresses at the outset of the hearing and also confirmed their understanding that the Decision would be emailed to both Parties and any Orders sent to the appropriate Party.

At the outset of the hearing, I advised the Parties that pursuant to Rule 7.4, I would only consider their written or documentary evidence to which they pointed or directed me in the hearing.

Upon review of the Parties' documentary submissions, I advised them that I was dismissing this Application with leave to reapply, pursuant to Residential Tenancy Branch Rule of Procedure 3.7. I find that both Parties' numerous submissions are unidentified or not organized in any discernible manner. Rule 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.

Due to the enormity of unidentified files before me from both Parties, I dismiss this Application with leave to reapply. I advised the Parties that for future RTB applications, they should identify each file, and retain a record of what they called each piece of evidence, so that you can direct the next arbitrator to the supporting evidence addressed in their testimony.

I also said that they might want to reconsider the need to upload *everything* again. Rather, I suggested that they upload only the evidence that clearly supports their specific claims, or in the Tenants' case, to only upload evidence that relates directly to the Landlord's claims.

Based on the above, I find that the Parties have not sufficiently organized their evidentiary submissions, as required under the Act the Rules of Procedure, and therefore, I dismiss this Application with leave to reapply.

Conclusion

The Landlord's Application is dismissed, because the Landlord did not sufficiently organize his documentary evidence that he submitted to the Residential Tenancy

Branch and served on the Tenants. The Landlord is entitled to reapply for dispute resolution on the matters for which they seek a remedy under the Act.

This Decision does not extend any applicable time limits under the Act.

The Parties were advised that this Decision would be emailed to them at the email addresses contained in the Application, which the Parties confirmed in the hearing.

The Landlord is reminded to complete a Monetary Order Worksheet (RTB Form 37) within the Form, itself, if he decides to reapply for a monetary order, and to ensure that all documents, including the Monetary Order Worksheet, are identified and served on both Respondents.

This Decision is final and binding on the Parties, unless otherwise provided under the Act, and 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: September 08, 2020

Residential Tenancy Branch