



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, MNDL, FFL

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 unpaid rent of \$8,100.00; for compensation for monetary loss or other money owed of \$1,214.25; and to recover the \$100.00 cost of his Application filing fee.

The Landlord and the Tenant appeared at the teleconference hearing; however, at the onset of the hearing, the Landlord advised that he had not served the Tenant with the Application, the Notice of Hearing, or his documentary evidence. The Parties agreed that the Tenant moved out in January 2020, but that she had not provided the Landlord with her forwarding address. The Landlord had not applied to the Residential Tenancy Branch ("RTB") for an order for substituted service of the documents, despite that the Landlord had the Tenant's email address.

The Tenant provided the Landlord with her address, and the Parties agreed that they would serve each other pursuant to the Act and the RTB Rules of Procedure ("Rules"), if this matter resumes with a new application.

I reproduce the relevant Rules below. The requirements within these Rules are consistent with the principles of natural justice and administrative fairness, with which administrative hearings, such as this, 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 an applicant wants to rely that is not available when the applicant applies to the RTB for dispute resolution. The applicant may submit this evidence to the RTB and serve it on the respondent, as soon as possible, but not more than 14 days before the hearing, as provided under Rule 3.14.

3.14 Evidence not submitted at the time of Application for Dispute Resolution

Except for evidence related to an expedited hearing (see Rule 10), documentary and digital evidence that is intended to be relied on at the hearing must be received by the respondent and the Residential Tenancy Branch directly or through a Service BC Office not less than 14 days before the hearing. In the event that a piece of evidence is not available when the applicant submits and serves their evidence, the arbitrator will apply Rule 3.17.

[underlining emphasis added]

Similarly, the person responding to the applicant's claim is the respondent. Rule 3.15 sets out the following for the respondent's service requirements:

3.15 Respondent's evidence provided in single package

Where possible, copies of all of the respondent's available evidence should be submitted to the Residential Tenancy Branch online through the Dispute Access Site or directly to the Residential Tenancy Branch Office or through a Service BC Office. The respondent's evidence should be served on the other party in a single complete package.

The respondent must ensure evidence that the respondent intends to rely on at the hearing is served on the applicant and submitted to the Residential Tenancy Branch as soon as possible. Except for evidence related to an expedited hearing (see Rule 10), and subject to Rule 3.17, the respondent's evidence must be received by the applicant and the Residential Tenancy Branch not less than

seven days before the hearing.

[underlining emphasis added]

If you need any of this explained further, 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: November 23, 2020

Residential Tenancy Branch