



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COAST FOUNDATION SOCIETY  
(1974) and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      ET

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an early end to tenancy and an order of possession, pursuant to section 56.

The tenant did not attend this hearing, which lasted approximately 18 minutes. The landlord's three agents, landlord SG ("landlord"), "landlord RB," and "landlord ML" attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord confirmed that he was the facilities manager, landlord RB confirmed that she was the program director and landlord ML confirmed that he was the program manager, all employed by the landlord company named in this application. All three landlord agents confirmed that they had permission to represent the landlord company, who they said is the owner of the rental unit.

At the outset of this hearing, I informed the landlord's three agents that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* does not permit recording of this hearing by anyone. The landlord's three agents all separately affirmed, under oath, that they would not record this hearing.

I explained the hearing process to the landlord's three agents. They had an opportunity to ask questions. I informed them that I could not provide legal advice to them. They did not make adjournment or accommodation requests.

During this hearing, the landlord's three agents asked to withdraw the landlord's application. They said that they did not submit the required RTB form for digital evidence details, to ensure that the tenant and I were able to see their videos, submitted as evidence with this application. They also claimed that they redacted information from the summary evidence that they submitted for this hearing, when it was submitted to the RTB and the tenant.

I informed the landlord's three agents that I could not consider the above evidence at this hearing, as I could not access the videos they submitted, they did not submit the required digital evidence details form to ensure that the tenant and I could access the videos, and I could not view the redacted information in their summary. I informed them that they did not comply with RTB *Rules of Procedure* regarding digital evidence.

The following RTB *Rules of Procedure* state (my emphasis added):

*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.*

### 3.10.2 Digital evidence uploads

*Parties who submit evidence using the Residential Tenancy Branch Online Application for Dispute Resolution or Dispute Access Site must enter the information required under Rule 3.10.1 in the “Details and description” field when uploading evidence. The system will restrict evidence uploads to accepted formats and in accordance with file size restrictions pursuant to Rule 3.0.2.*

### 3.10.3 Digital evidence submitted directly to the Residential Tenancy Branch or through Service BC

**Parties who submit digital evidence to the Residential Tenancy Branch directly or through a Service BC Office must provide the information required under Rule 3.10.1 using Digital Evidence Details (form RTB-43).**

### 3.10.4 Digital evidence served to other parties

**Parties who serve digital evidence on other parties must provide the information required under Rule 3.10.1 using Digital Evidence Details (form RTB-43).** *Parties who serve digital evidence to the Residential Tenancy Branch and paper evidence to other parties must provide the same documents and photographs, identified in the same manner in accordance with Rule 3.7.*

### 3.10.5 Confirmation of access to digital evidence

**The format of digital evidence must be accessible to all parties.** *For evidence submitted through the Online Application for Dispute Resolution, the system will only upload evidence in accepted formats or within the file size limit in accordance with Rule 3.0.2. **Before the hearing, a party providing digital evidence to the other party must confirm that the other party has playback equipment or is otherwise able to gain access to the evidence.***

**Before the hearing, a party providing digital evidence to the Residential Tenancy Branch directly or through a Service BC Office must confirm that the Residential Tenancy Branch has playback equipment or is otherwise able to gain access to the evidence. If a party or the Residential Tenancy Branch is unable to access the digital evidence, the arbitrator may determine that the digital evidence will not be considered.**

*If a party asks another party about their ability to gain access to a particular format, device or platform, the other party must reply as soon as possible, and in any event so that all parties have seven days (or two days for an expedited hearing under Rule 10), with full access to the evidence and the party submitting*

*and serving digital evidence can meet the requirements for filing and service established in Rules 3.1, 3.2, 3.14 and 3.15.*

*Regardless of how evidence is accessed during a hearing, the party providing digital evidence must provide each respondent with a copy of the evidence on a memory stick, compact disk or DVD for its permanent files.*

I notified the landlord's three agents that they could proceed with this hearing and I could consider their testimony only, as evidence at this hearing. They stated that they did not want to proceed with this hearing, and they wanted to reapply and resubmit all of their evidence for a future hearing.

I informed the landlord's three agents that the landlord's application was dismissed with leave to reapply. I notified them that they could file a new application, pay a filing fee, and provide proof of their claim, if they want to pursue this matter in the future. They confirmed their understanding and agreement to same.

#### Conclusion

The landlord'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: September 13, 2021

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Residential Tenancy Branch