



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **OLC, FFT, MNDCT**

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed on July 26, 2021 for to have the landlord comply with the Act and to recover the cost of the filing fee.

On November 12, 2021 the tenant filed a request to amend their application for compensation for monetary loss or other money owed which is dated November 8, 2021.

At the outset of the hearing legal counsel for the landlord stated that the landlord's surname in the tenant's application is wrong. I have amended the style of cause to show the correct spelling

In this case the tenant filed their evidence and amendment on November 12, 2021 and served the other party by registered mail sent on November 11, 2021. I find the landlord was not deemed to have received the tenant's evidence or amendment until November 15, which was five (5) days after it was mailed. This is eight(8) days before the hearing.

### Residential Tenancy Branch Rules of Procedure

**2.5 Documents that must be** submitted with an Application for Dispute Resolution To the extent possible, the applicant should submit the following documents at the same time as the application is submitted:

- a detailed calculation of any monetary claim being made;
- a copy of the Notice to End Tenancy, if the applicant seeks an order of possession or to cancel a Notice to End Tenancy; and

• **copies of all other documentary and digital evidence to be relied on in the proceeding**, subject to Rule 3.17 [Consideration of new and relevant evidence]

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

In this case, I find the tenant did not comply with the Residential Tenancy Branch Rules of Procedures 2.5 and 3.14 at the respondent must receive the evidence no less 14 days before the hearing. I find the evidence was available for the tenant to submit with their application as it all predates their application.

I also find the details submitted in the application do not comply with section 52 of the Act, as they must include the full particulars of the claim. As an example, the tenant does not state any date or time of the damage to the sewer line or the amount claimed or any dates, places, or times for alleged bullying .

Based on the above, I find I must dismiss the tenant's application with leave to reapply. The tenant should ensure if any future application is filed that they comply with section 59 of the Act, and Rule 2.5.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: November 26, 2021

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Residential Tenancy Branch