



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenants seeking an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement and to recover the filing fee from the landlord for the cost of the application.

One of the tenants attended the hearing and represented the other tenant. The landlord also attended.

At the commencement of the hearing the tenant submitted that the landlord has all of the tenants' evidentiary material, however the landlord submitted that no evidence had been received. The landlord also submitted that an adjournment should be granted; the landlord has not provided any evidence because the tenant advised the landlord that the tenant would be withdrawing the application, which is a statement disputed by the tenant. If the landlord believed that the tenant would withdraw the application, the landlord likely would not have attended, and therefore, I declined to adjourn.

The tenant has not satisfied me that the evidence provided by the tenant was provided to the landlord. Any party who wishes to rely on evidence must provide the same evidence to the other party, even if they already have a copy. Since I am not satisfied that the tenant has complied, I dismiss the tenants' application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the tenants' application for an order that the landlord comply with the Act or the tenancy agreement is hereby 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: August 11, 2022

Residential Tenancy Branch