



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **RP, RR, MNDCT**

Introduction

This hearing was scheduled to deal with three applications filed by the tenant that were joined together. The tenant was seeking repair orders, authorization to reduce rent payable, and monetary compensation for damages or loss under the Act, regulations or tenancy agreement.

Both parties appeared or were represented at the hearing. The parties were affirmed and the parties were ordered to not record the proceeding. Both parties had the opportunity to make relevant submissions and to respond to the submissions of the other party pursuant to the Rules of Procedure.

Preliminary and Procedural Matters

At the outset of the hearing, I explored service of hearing materials.

The tenant testified that she had served all of the proceeding documents and all of her evidence to the landlord via email. When I asked the tenant to provide the dates she sent the emails, the tenant had difficulty doing so.

I noted that the tenant had uploaded several pieces of evidence on various different dates, mostly in September 2022, and some as recently as October 3, 2022, despite filing the applications in May and June 2022.

I asked the tenant why she was providing evidence months after filing and so close to the hearing date. The tenant responded that she wanted to get in the queue as there are long wait times for hearings and then organize her submissions and evidence.

The tenant indicated she had difficulty remembering what she had uploaded to the Residential Tenancy Branch portal and that there was additional evidence she still wanted to upload as well as amend her claims.

The landlord stated that in addition to the three hearings set for this date, there are four other applications the tenant has filed and set for future hearing dates. The landlord stated that the numerous emails from the tenant for various different files made it very difficult and time consuming for the landlord to try to piece together which pieces of evidence went with what file.

I informed the parties of an applicant's obligation to set out the full particulars of the claim, provide detailed calculations, and provide all available evidence at the time of filing and to serve the respondent with a single package, where possible, that is organized and identical to that submitted to the Residential Tenancy Branch. Evidence not available to the applicant at the time of filing is to be submitted/served as soon as possible and not less than 14 clear days before the hearing under the Rules of Procedure. I informed the parties that it appeared to me that the tenant failed to sufficiently set out the basis for her claims and comply with the Rules of Procedure.

I also informed the parties that an applicant is not permitted to split claims under the Rules of Procedure as a means to get above the statutory maximum of \$35,000.00 and it appeared the tenant has done so.

Further, the tenant's action of filing an application and then trying to organize the claim and serve evidence at a later date is consistent with queue jumping and may be prejudicial to the other party.

The rules of procedure were developed with the object to ensure a fair proceeding and in keeping with the principles of natural justice and fairness.

I informed the parties that the tenant appears to have failed to comply with the Rules of Procedure in several ways and that I was inclined to dismiss the applications before me before hearing any of the merits to the claims, with leave to reapply. The tenant accepted that her applications and evidence were not compliant and the tenant requested withdrawal of these three applications, with leave to reapply. The landlord did not object.

The landlord further suggested that it may be efficient and time saving to do the same for the other applications that are set for future hearing dates. I reviewed the four other

file numbers provided to me with the parties. Upon review, the tenant requested withdrawal of files ending in numbers: *****3607, *****0078 and *****0309 (complete file numbers omitted in this decision for privacy purposes). Files *****3607 and *****0078 also pertained to repair orders and requests for rent reductions. As for file *****0309, I noted that it was to deal with an eviction notice. The landlord confirmed that it did not issue an eviction notice to the tenant. The tenant acknowledged she was confused as to whether she was served with an eviction notice.

I informed the parties that I have authorization to seize a file and bring it forward and dispose of it. The parties were in agreement with this approach. Accordingly, I joined all six files together. Files *****3607 and *****0078 are withdrawn, with leave to reapply. File *****0309 moot and it was withdrawn, without liberty to reapply.

In summary, the file numbers quoted on the cover page of this decision are withdrawn and the tenant is at liberty to reapply, with the exception of file *****0309 which is moot.

Before refiling, I strongly suggest the tenant familiarize herself with the Rules of Procedure.

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: October 05, 2022

Residential Tenancy Branch