



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution. A participatory hearing was held on November 18, 2022. The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- An order that the Landlord comply with the Act, regulations, and/or a tenancy agreement.

The Tenant and the Landlord both attended the hearing. The Tenant stated he sent his Notice of Dispute Resolution Proceeding and evidence to the Landlord, via email, on November 17, 2022, which was the day before the hearing. I note the Tenant filed their application on July 3, 2022, and they were provided, from the RTB, with their Notice of Dispute Resolution Proceeding on July 14, 2022.

I note the following Rule of Procedure:

### 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].*

*See Rule 10 for documents that must be served with the Notice of Dispute Resolution Proceeding Package for an Expedited Hearing and the timeframe for doing so.*

The Tenant should have served the Landlord with his Notice of Dispute Resolution Proceeding by July 17, 2022. However, he waited 4 months, until the evening before the hearing to send those documents, and his evidence, to the Landlord. I find this is a breach of the Rules (3.1 and 3.14) and it is highly prejudicial to the respondent. I note the respondent stated he was confused when he received the automated evidence upload reminder from the RTB a couple of weeks ago, since he was not even aware there was a hearing scheduled. Ultimately, the Tenant missed several deadlines, and after considering the totality of the situation, I dismiss the Tenant's application, in full, with leave to reapply.

### Conclusion

The Tenant'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: November 19, 2022

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Residential Tenancy Branch