



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding DUNFERMLINE PROPERTY HOLDINGS LTD. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      AAT, OLC

### Introduction and Preliminary Matters

On April 28, 2023, the Tenants made an Application for Dispute Resolution seeking access to the rental unit pursuant to Section 30 of the *Residential Tenancy Act* (the “Act”) and seeking an Order to comply pursuant to Section 62 of the *Act*.

On May 2, 2023, this matter was set down for a hearing on August 18, 2023, at 9:30 AM.

Tenant D.H. attended the hearing. S.C. attended the hearing as the owner of the rental unit, and C.K. attended the hearing as an agent for the Landlord. As C.K. was an agent for the Landlord, her name has been removed from the Style of Cause on the first page of this Decision.

At the outset of the hearing, I explained to the parties that as the hearing was a teleconference, none of the parties could see each other, so to ensure an efficient, respectful hearing, this would rely on each party taking a turn to have their say. As such, when one party is talking, I asked that the other party not interrupt or respond unless prompted by myself. Furthermore, if a party had an issue with what had been said, they were advised to make a note of it and when it was their turn, they would have an opportunity to address these concerns. The parties were also informed that recording of the hearing was prohibited, and they were reminded to refrain from doing so. As well, all parties in attendance provided a solemn affirmation.

The Tenant advised that the Landlord was served with the Notice of Hearing package by registered mail on May 3, 2023. However, it became clear that the Tenant did not serve her documentary evidence to the Landlord as it was her belief that uploading it to the file was sufficient. As a note, Rules 3.1 and 3.14 of the Rules of Procedure (the “Rules”) require that this evidence be served to the other party.

As this' evidence was never served to the Landlord, the Tenant was advised that the hearing could proceed, but her evidence would be excluded and not considered when rendering a Decision. Alternately, she was provided with the option to withdraw her Application and reapply so that she could serve her evidence in accordance with the Rules. She advised that she would prefer to withdraw their Application and reapply again.

I find that the Tenant's request to withdraw the Application in full does not prejudice the Landlord. Therefore, this request to withdraw the Application in full was granted. I note that this Decision does not extend any applicable timelines under the *Act*.

As a note, in order to make the most productive use of the one-hour hearing time, settlement discussions were entertained in order to attempt to find some meaningful outcome to this dispute, and to avoid another hearing. However, these attempts ultimately proved unsuccessful.

### Conclusion

The Tenants have withdrawn their Application in full. I have not made any findings of fact or law with respect to the Application.

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 18, 2023

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Residential Tenancy Branch