



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, RR, O, FF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought an Order disputing a rent increase, to allow the tenant to deduct the cost of repairs, services or facilities from the rent, and to recover the filing fee. The Tenant also indicated on his application that he sought "Other" relief, however that relief was not specified.

The Tenant and L.P., the Landlords' managing broker, appeared at the hearing. At the outset of the hearing the Landlord confirmed she received the Tenant's digital evidence, however she did not receive a "Digital Evidence Details" sheet [#rtb-43 (2013/08)]. A review of the file confirmed that the Tenant also did not provide this sheet to the Residential Tenancy Branch.

The Details of Dispute section on the Tenant's Application simply referred to the Tenant's USB flash drive without any specific details of the dispute. The Tenant's flash drive contained 351 files, some of which were documents and some of which were photos.

Residential Tenancy Branch Rules of Procedure Rule 3.10 provides that only photographs, audio recordings, and video recordings may be provided digitally. Further, this Rule provides that any digital evidence must be accompanied by a printed description of the digital material. The accepted form is as noted above; namely, the "Digital Evidence Details" sheet [#rtb-43 (2013/08)].

The hearing could not be conducted efficiently as the material was too voluminous to wade through without any printed description of the material as required by Rule 3.10. The Tenant also failed to particularize his details of dispute and therefore, the Landlord was prejudiced in their ability to respond to the Tenant's claim.

As a result, it was not possible to conduct the hearing in a fair, efficient and consistent manner as required by Rule 1.1 of the *Residential Tenancy Branch Rules of Procedure*.

For the above reasons I dismiss the Tenant's Application with leave to reapply. The Tenant is cautioned to follow the Rules of Procedure in any such application.

Conclusion

The Tenant failed to comply with the Rules of Procedure in terms of articulating the details of his dispute and providing digital evidence. 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: March 25, 2015

Residential Tenancy Branch

