



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RR, OLC, FFT

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; an order reducing rent for repairs, services or facilities agreed upon but not provided; an order that the landlords comply with the *Act* or the tenancy agreement; and to recover the filing fee from the landlords for the cost of the application.

The tenant and one of the named landlords attended the hearing.

The landlord indicated that the tenant did not serve the landlords with the Notice of Dispute Resolution Proceeding. The tenant had sent the Application for Dispute Resolution by registered mail at the end of March, 2023, and on April 4, 2023 the landlord contacted the Residential Tenancy Branch and was advised that the tenant was supposed to send the Notice of Dispute Resolution Proceeding by March 26, 2023, but that was not included in the package received from the tenant. The Information Officer at the Residential Tenancy Branch sent a copy of the Notice to the landlords by email.

The landlord also indicated that some of the digital evidence of the tenant could not be accessed.

The tenant submitted that the landlords were served in 1 package which contained a USB stick and forms off the Residential Tenancy Branch website for digital evidence, but did not confirm with the landlords that the evidence could be accessed. The tenant tested the USB prior to serving it and could open all documents.

The tenant also submitted that the Notice of Dispute Resolution Proceeding was not received from the Residential Tenancy Branch until after the deadline to serve.

A party who makes an Application for Dispute Resolution seeking monetary compensation must serve each respondent, not 1 package for all respondents to share. Also, each respondent must be served with the Notice of Dispute Resolution Proceeding.

The Rules of Procedure require a party who serves digital evidence to confirm that the other party has playback equipment or is otherwise able to gain access to the evidence, which must be confirmed prior to the commencement of the hearing.

In this case, the tenant indicated that the Notice of Dispute Resolution Proceeding was not received in time to serve it on the landlords. If that were the case, the tenant ought to have contacted the Residential Tenancy Branch. The tenant also indicated that all documents were served to the landlords in a single package addressed to both landlords. Further, the tenant did not confirm with the landlords that the digital evidence could be accessed.

Since the tenant has not complied with those requirements, I dismiss the tenant's application with leave to reapply.

I have made no findings of fact or law with respect to the merits of this dispute, and I make no orders with respect to extending any time limits.

Conclusion

For the reasons set out above, the tenant's application 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: June 29, 2023

Residential Tenancy Branch