

This Information Sheet includes important information about the dispute resolution process. Please read the full document carefully.

Abbreviations used in this document

Dispute Resolution Rules of Procedure (the Rules)

Manufactured Home Park Tenancy Act (MHPTA)

Notice of Hearing Package (Hearing Package)

Residential Tenancy Act (RTA)

Residential Tenancy Branch (RTB)

The dispute resolution process

The *Residential Tenancy Act* (RTA) and the *Manufactured Home Park Tenancy Act* (MHPTA) are the laws that govern tenancies in British Columbia. The Residential Tenancy Branch (RTB) hears all disputes between landlords and tenants under the RTA and the MHPTA. A dispute resolution hearing is a quasi-judicial proceeding and is similar to a court proceeding, but more informal. The RTB may hear monetary claims up to \$35,000. RTB decisions are final and binding.

An RTB arbitrator is an independent decision-maker who conducts the hearing and is responsible for managing time and communication during the hearing. An arbitrator ensures that only issues relevant to the *Application for Dispute Resolution* are addressed and then makes an impartial decision.

The dispute resolution process is designed to provide an open, consistent, efficient and fair opportunity for each party to tell their version of events and present their evidence to an arbitrator. To assist in this, the RTB has established the Dispute Resolution Rules of Procedure (the Rules). Although the Rules complement the RTA and the MHPTA, the law takes precedence over the Rules.

- Learn more about the Rules: www.gov.bc.ca/landlordtenant/rules
- Learn more about dispute resolution: www.gov.bc.ca/landlordtenant/dispute

The Hearing Package

When a person submits an *Application for Dispute Resolution* and pays the filing fee or is approved for a fee waiver, the RTB sets a hearing date and prepares a Notice of Hearing Package (the Hearing Package) containing:

- a Notice of Hearing which sets out the details of when and how to participate in the hearing
- the *Application for Dispute Resolution* which identifies the type and details of the dispute
- a copy of #RTB-114 [The Dispute Resolution Process](#) (this Fact Sheet) which explains the dispute resolution process

The “applicant” is the person applying for dispute resolution. The “respondent” is the person responding to the application.

The RTB provides the applicant with copies of the Hearing Package for the applicant to serve to each respondent.

Serving the Hearing Package

Within **three days** of the date the Hearing Package is available, the applicant must serve **each respondent separately** with the Hearing Package as well as copies of evidence submitted with the application. Note: these three days do not include the date the Hearing Package is made available by the RTB.

The applicant must serve the Hearing Package and evidence on **each respondent separately**, either:

- in person (by personally leaving a copy with the tenant, the landlord or the landlord’s agent); or
- by registered mail; or
- for landlord’s application for an order of possession **only**: by attaching it to the door or another conspicuous place or by personally leaving a copy with an adult who apparently resides with the tenant.

For example, if the Hearing Package is available on Monday and the applicant is serving the Hearing Package by registered mail, separate envelopes must be sent to each respondent (even if the respondents have the same mailing address) and must be postmarked no later than Thursday (within the three days). The applicant should submit evidence to the RTB to prove service, such as registered mail receipts from Canada Post. The arbitrator may dismiss the application if they are not satisfied that the applicant properly served the respondent(s) with the Hearing Package.

Serving documents using other methods

A party having difficulty serving a document using the options under the RTA or the MHPTA may apply for a substituted service order allowing the document to be served in a different way. For more information about this process, visit www.gov.bc.ca/landlordtenant/service or contact the RTB.

Serving and submitting evidence

Whenever possible, an applicant must submit copies of all available documents, photographs, video or audio evidence to the RTB at the same time as the *Application for Dispute Resolution*. The Rules require both the applicant and the respondent to serve their evidence on each other party **and** submit it to the RTB **as soon as possible** and, in any event, in accordance with the deadlines in the Rules:

- an **applicant** must serve and submit evidence so that it is received not less than **14 days** before the hearing; and
- a **respondent** must serve and submit evidence so that it is received not less than **7 days** before the hearing.

These deadlines do not include the hearing date or the date of service. You must also account for the method you are using to serve your evidence when calculating timelines (more information on this is detailed below).

Sometimes, evidence may be late because of something outside of your control. In these cases, evidence should still be served and submitted **as soon as possible** along with any supporting evidence explaining why your evidence was late. The Rules allow an arbitrator to refuse to consider evidence that was not served and/or submitted as soon as possible or if the arbitrator determines you deliberately delayed the exchange of evidence.

Calculating time

When documents such as amendments, evidence and cross-applications must be received by a certain date, you must add extra days for all methods of service other than personal service. **The important date is the date it is received by the other party or the RTB.**

- If you use mail or registered mail, the item is considered to be received on the fifth day after mailing (only registered mail is appropriate for service of the Hearing Package for applications or cross-applications).
- If you leave a copy in the mailbox, the item is considered to be received on the third day after leaving it (this method is not appropriate for service of the Hearing Package for applications or cross-applications).
- If you leave a copy attached to the door or other conspicuous place, the item is considered to be received on the third day after leaving it (this method is only appropriate for service of the Hearing Package for landlord applications or cross-applications for orders of possession; this method is not appropriate for monetary applications or cross-applications).
- If you use fax, the item is considered to be received on the third day after faxing (this method is not appropriate for service of the Hearing Package for applications or cross-applications).

For example, if you are an applicant facing a deadline of *not less than 14 days* and your hearing is on Tuesday the 27th, then the deadline for the other party and the RTB to receive your evidence is Monday the 12th. When the deadline falls on a day that the RTB or a business is not open, the time is extended to the next business day. Remember to add extra days if you are not serving the documents in person.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
4	5	6	7 Latest date for applicant to serve by mail or registered mail	8	9 Latest date for applicant to serve by fax, attaching to door or leaving in mailbox	10
11	12 Latest date for applicant to serve in person	13	14 Latest date for respondent to serve by mail or registered mail	15	16 Latest date for respondent to serve by fax, attaching to door or leaving in mailbox	17
18	19 Latest date for respondent to serve in person	20	21	22	23	24
25	26	27 Hearing Date	28	29	30	31

Amending an Application

If other related issues arise after the *Application for Dispute Resolution* is made, an applicant may amend an existing application as long as each respondent and the RTB receive copies of the *Amendment to an Application for Dispute Resolution* (form RTB-42) and all supporting evidence not less than 14 days before the hearing. The arbitrator may decline to hear unrelated issues on a party's application and may provide leave to re-apply for these outstanding issues.

To amend your application:

1. Complete an *Amendment to an Application for Dispute Resolution* (form RTB-42).
2. File the completed *Amendment to an Application for Dispute Resolution* form and supporting evidence either in person through a Service BC office or the Burnaby RTB office or by fax to the appropriate fax number listed on the *Amendment to an Application for Dispute Resolution*.

3. Provide each respondent with copies of the *Amendment to an Application for Dispute Resolution* and supporting evidence.
4. Be prepared at the hearing to provide proof of service of the *Amendment to an Application for Dispute Resolution* and supporting evidence.
5. The arbitrator may amend the application during the hearing if it is appropriate to do so (for example, the amount of rent owing has increased since the time the *Application for Dispute Resolution* was made).

Re-scheduling and adjournment

The RTB may re-schedule a hearing if signed written consent is received from both the applicant(s) and the respondent(s) **not less than three days** before the hearing date (not including the date of the request or the hearing date).

If the parties cannot agree to re-schedule prior to the re-scheduling deadline, then the hearing will begin as scheduled and a party may request at that point that the hearing be adjourned. The arbitrator will determine if the circumstances warrant the adjournment.

Preparing evidence

Evidence may include, but is not limited to, documents, photographs, statements, and video or audio recordings.

The Rules require that identical copies of evidence be provided to the applicants, the respondents and the RTB. It is a good idea to number each page of your evidence package so that all participants in the hearing can follow what is being presented. Photographs should be numbered and include a brief description, for example: "Living room photo 1 – carpet stain." This will allow you to verify the amount of evidence you have submitted and will allow the participants to more easily follow what is being presented.

All evidence must be relevant to the *Application for Dispute Resolution*, reliable, accurate, organized, clear and legible.

Written arguments must be legible, if provided, and must provide only relevant facts and details, not just opinions.

If you want to submit digital evidence such as photographs, audio recordings, and video recordings, you must:

1. Complete and serve the *Digital Evidence Details* (form RTB-43).
2. Provide the *Digital Evidence Details* and digital evidence to the other party and the RTB.
3. Make sure that both the other party and the RTB can view/hear the digital evidence.
4. Meet all deadlines for service and submission of evidence.

The RTB will not accept physical evidence, such as a piece of carpet or a broken lock. You must use photographs or a written description of any physical evidence you intend to rely on.

Making a cross-application

If you are a respondent and you wish to make your own claim on the same issues as the application against you, you must file your own separate *Application for Dispute Resolution* **as soon as possible** and, in any event, in accordance with the Rules of Procedure. Your file is referred to as a cross-application.

When making a cross-application, write "cross-application" in the "Details of the Dispute" section on page two of the *Application for Dispute Resolution* **and** enter the other party's file number. If you are using the online application for dispute resolution, enter the other file number when prompted.

A cross-application will only be considered at the same hearing if it can be processed by the RTB and received by the other party not less than 14 days before the hearing (not including the date of service or the hearing date). The Rules require evidence to be submitted with the cross-application and served with the Hearing Package. The arbitrator may decline to hear unrelated issues on a party's application and may provide leave to re-apply for outstanding issues not dealt with at the hearing.

Preparing for the hearing

- List the issues to be discussed and some of the points the other party might raise.
- List the evidence that you have submitted and served and how it is relevant to each issue of the claim. Be sure to have a copy of all your evidence with you for reference at the hearing.
- List how, when and where any documents were served and submitted.
- If you are going to call witnesses, list their names, telephone numbers and what they will present. If witnesses have documents to present, make sure you have served those documents to each respondent and submitted them to the RTB in the same way other evidence is provided.

For conference call hearings, you must have a telephone number where your witness can be reached. The witness must be available at that number for the full duration of the scheduled hearing. For face-to-face hearings, witnesses must be at the hearing location at the start time. Generally witnesses cannot hear or participate in the hearing until they are directed by the arbitrator to give evidence.

During the hearing

The dispute resolution hearing will start on the date and at the time noted on the most recent Notice of Hearing. If the hearing does not start as scheduled, parties must stay on the line for at least thirty minutes. If you are unsure when your hearing is to take place, contact the RTB immediately.

For conference call hearings, the parties are responsible for calling the phone number in the Notice of Hearing and following the prompts to enter the access code. Parties must also state their names to join the hearing. Parties should ensure they dial the correct phone number and enter the access code exactly as it appears in their Notice of Hearing.

Parties must not call before the start time; doing so may result in the party missing the hearing.

For face-to-face hearings and written hearings, parties must follow the instructions provided in the Hearing Package.

Parties may have agents, advocates, lawyers, translators, or any other person whose assistance they require appear for the hearing. The party relying on these persons must make sure they are available for the hearing, and is responsible for any related fees. Parties who are deaf or hard of hearing may request an American Sign Language interpreter before the hearing. In these circumstances, the RTB will arrange the interpreting service and pay the fee.

Generally, the applicant must prove their claim on the balance of probabilities (more probable than not). In cases where a tenant disputes a notice to end tenancy, the landlord must prove the tenancy should end.

Parties will have an opportunity to present evidence related to the claim. The arbitrator may ask questions to determine relevance or to assist in making a decision and, may allow parties to ask questions of the other party, if appropriate.

Parties must show how their evidence relates to the issues identified on the *Application for Dispute Resolution*. The arbitrator determines if the evidence is sufficient to support the claim and makes findings of fact.

An arbitrator may stop testimony or questioning if it is not relevant to the application or has already been addressed. All parties must act respectfully during the hearing. An arbitrator may stop testimony or questioning, or exclude a party from the hearing, if that party is disruptive, rude, hostile or inappropriate.

Once the hearing is completed, no further submissions or evidence will be considered unless specifically requested by the arbitrator. After hearing all the relevant oral testimony and evidence presented by the parties, the arbitrator will make a final and legally-binding decision. The arbitrator has up to 30 days to issue a written decision after the hearing.

Clarification or correction of a decision

A party may request clarification of a decision or order or correction of a typographical, arithmetical or other similar error in a decision or order. The outcome of a decision cannot be changed by way of a clarification or correction request.

Review of a decision

A party to a dispute resolution proceeding may apply to the RTB for a review consideration within the legislated time limits.

A review of an arbitrator's decision may only be considered if:

1. a party was unable to attend the original hearing due to circumstances that could not be anticipated and that were beyond their control; and/or
 2. a party has new and relevant evidence that was not available at the time of the original hearing; and/or
 3. a party has evidence that the decision was obtained by fraud.
- Learn more about review considerations: www.gov.bc.ca/landlordtenant/review

Applying to the courts for review

No government official has the power to change or overturn an arbitrator's decision. If a party believes that an arbitrator made an error of fact or law or was procedurally unfair, a party may apply to the Supreme Court of B.C. for a judicial review of the decision. If you succeed, the Court will normally set aside the decision and order that the RTB schedule a new hearing. There is a 60-day time limit from when the party receives the decision to apply for judicial review, although the time limit may be extended by the Court.

Parties applying for judicial review of RTB decisions must serve the Attorney General who represents the Province of British Columbia in all litigation.

- See www.gov.bc.ca/landlordtenant/review#JR

Residential Tenancy Branch

Greater Vancouver: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

Burnaby office: 400-5021 Kingsway

[Contact us](#) for office hours

Email: HSRTO@gov.bc.ca

Website: www.gov.bc.ca/landlordtenant

Service BC

Visit any Service BC Office

Website: servicebc.gov.bc.ca

Contact Enquiry BC for Service BC locations

Greater Vancouver: 604-660-2421

Victoria: 250-387-6121

Elsewhere in BC: 1-800-663-7867

