

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

Abbreviations used in this document

Rules of Procedure (the Rules)

Residential Tenancy Act (RTA)

Manufactured Home Park Tenancy Act (MHPTA)

Residential Tenancy Branch (RTB)

Notice of Dispute Resolution Proceeding Package (Proceeding Package)

The dispute resolution process

The RTA and the MHPTA are the laws that govern tenancies in British Columbia. The 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 and manages 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 Rules. Although the Rules complement the RTA and the MHPTA, the law takes precedence over the Rules.

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

The Proceeding 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 Proceeding Package containing:

- a *Notice of Dispute Resolution Proceeding* which sets out the details of when and how to participate in the hearing and includes the *Application for Dispute Resolution* (which identifies the type and details of the dispute)
- the *Respondent Instructions for Dispute Resolution*
- 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 applicant may choose to receive the Proceeding Package by email or by picking it up at any Service BC Office or the RTB Office in Burnaby. If the applicant chooses to pick-up their Proceeding Package in person, the RTB will provide the applicant with copies for themselves and for the applicant to serve to each respondent.

Serving the Proceeding Package

Within **three days** of the date the Proceeding Package is made available by the RTB, the applicant must serve **each respondent separately, even if they have the same mailing address** with the Proceeding Package as well as copies of evidence submitted with the application (“see “Preparing evidence” below). Note: these three days do not include the date the Proceeding Package is made available by the RTB.

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

- in person (by personally leaving a copy with each tenant, each landlord or the landlord’s agent); or
- by registered mail; or
- for a 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 Proceeding Package is made available on Monday and the applicant is serving the Proceeding 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 each respondent with their own Proceeding 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 to allow 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* (“see “Preparing evidence” below). 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 **as soon as possible** so that it is received not less than 14 days before the hearing; and
- a **respondent** must serve and submit evidence **as soon as possible** 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 (see “Calculating time” below).

You may submit evidence electronically to the RTB using your Dispute Access Code:

<https://tenancydispute.gov.bc.ca/DisputeAccess>. The Applicant's Dispute Access Code can be found in the application confirmation email as well as in the payment receipt for payments made online. The Respondent's Dispute Access Code is provided in the Notice of Dispute Resolution Proceeding. This code is unique to you and is used only for submitting evidence to the Residential Tenancy Branch. Evidence may only be provided in accepted formats. Learn more about submitting evidence at www.gov.bc.ca/landlordtenant/submit.

If you are unable to upload evidence electronically, you may also submit evidence to the RTB in person through any Service BC Office or the RTB Office in Burnaby.

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 to the other party and/or submitted to the RTB 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 specific date, you must add extra days for all methods of service other than personal service (not counting the date of 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, not including the day it is mailed (only registered mail is appropriate for service of the Proceeding Package for applications or cross-applications or for service of amendments).
- If you leave a copy in the mailbox, the item is considered to be received on the third day after leaving it, not including the day it is left (this method is not appropriate for service of the Proceeding Package for applications or cross-applications or for service of amendments).
- 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 it is attached, not including the day it is attached (this method is only appropriate for service of the Proceeding Package for landlord applications or cross-applications for orders of possession; this method is not appropriate for monetary applications or cross-applications or for service of amendments).
- If you use fax, the item is considered to be received on the third day after faxing, not including the day it is faxed (this method is not appropriate for service of the Proceeding Package for applications or cross-applications or for service of amendments).

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
			Latest date for applicant to serve by mail or registered mail 20 (days before hearing)	19 (days before hearing)	Latest date for applicant to serve by fax, attaching to door or leaving in mailbox 18 (days before hearing)	17
11	Latest date for applicant to serve in person 15 (days before hearing)	14 (days before hearing)	Latest date for respondent to serve by mail or registered mail 13 (days before hearing)	12 (days before hearing)	Latest date for respondent to serve by fax, attaching to door or leaving in mailbox 11 (days before hearing)	10
16	15 (days before hearing)	14 (days before hearing)	13 (days before hearing)	12 (days before hearing)	11 (days before hearing)	10
18	Latest date for respondent to serve in person 8 (days before hearing)	7 (days before hearing)	6 (days before hearing)	5 (days before hearing)	4 (days before hearing)	3
9	8 (days before hearing)	7 (days before hearing)	6 (days before hearing)	5 (days before hearing)	4 (days before hearing)	3
25	1 (days before hearing)	Hearing Date				
2	1 (days before hearing)	Hearing Date				

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 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 (see “Calculating time” above). 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. Submit the completed *Amendment to an Application for Dispute Resolution* form with all supporting evidence in person through any Service BC Office or the RTB Office in Burnaby.
3. Serve each respondent with copies of the *Amendment to a Dispute Resolution Application* and supporting evidence either in person or by registered mail.
4. Be prepared at the hearing to provide proof of service of the *Amendment to a Dispute Resolution Application* 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).

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. Your file is referred to as a cross-application.

When making a cross-application using the Online *Application for Dispute Resolution*, enter the other file number of the application you are filing against when prompted. If using the paper *Application for Dispute Resolution*, enter the file number of the application you are filing against on page two of the *Application for Dispute Resolution*.

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 Proceeding 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.

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

Each party must provide evidence to support their claim or their position. Evidence may include, but is not limited to, documents, photographs, statements, and video or audio recordings. Where possible, you should submit evidence to the RTB electronically using the Online *Application for Dispute Resolution* or the Dispute Access Site.

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. An arbitrator may refuse to consider evidence if it is not readily identifiable, organized, clear and legible.

Written arguments must provide only relevant facts and details, not just your opinions.

Digital evidence may include photographs, audio recordings, video recordings or electronic versions of printable documents in an acceptable format. If you want to submit digital evidence on a device (such as a CD, DVD or USB drive), there are special rules. Learn more about preparing evidence at www.gov.bc.ca/landlordtenant/prepare.

You must provide a description of the digital evidence when uploading it through the Online *Application for Dispute Resolution* or the Dispute Access Site or when providing it on a device.

If providing digital evidence to the other party or to the RTB using a device in person (rather than by uploading it to the Online *Application for Dispute Resolution*), 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.

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 Dispute Resolution Proceeding. If the hearing does not start as scheduled, parties must stay on the line for at least thirty minutes. If you are unsure of 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 Dispute Resolution Proceeding and following the prompts to enter the Access Code (find details on page one under "Hearing Information"). 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 Dispute Resolution Proceeding. **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 special instructions provided in the Notice of Dispute Resolution Proceeding.

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 based on the reason(s) stated on the notice.

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 has started, 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 after the hearing 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 the petition is granted, 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

Contact information

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