

## The Expedited Dispute Resolution Process

The Residential Tenancy Branch (RTB) hears all disputes between landlords and tenants under the *Residential Tenancy Act* and the *Manufactured Home Park Tenancy Act*. A dispute resolution hearing is a quasi-judicial proceeding and is similar to a court proceeding, but more informal. Some disputes are very serious and urgent. Under Rule 10 of the RTB Rules of Procedure, the director has established an expedited hearing process for serious and urgent disputes. Under this process, shorter service and response time limits are in effect.

- Review the Rules of Procedure here: [www.gov.bc.ca/landlordtenant/rules](http://www.gov.bc.ca/landlordtenant/rules)
- Learn more about the expedited hearing process here: <https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/solving-problems/dispute-resolution/expedited-hearings>

## The Proceeding Package

If the RTB sets an application down for an expedited hearing, it prepares a Proceeding Package package containing:  
a *Notice of Dispute Resolution Proceeding* setting out when and how to participate in the hearing and the *Application for Dispute Resolution* (which identifies the type and details of the dispute)

- An order of the director respecting how documents must be served (if applicable)
- a copy of #RTB-114E [Expedited Hearings](#) (this Fact Sheet) which explains the expedited dispute resolution process
- instructions for the applicant and respondent

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 to serve to each respondent.

## Serving the Proceeding Package

Within **one day** 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 and copies of evidence submitted with the application.

The applicant must submit a proof of service form to the RTB to prove service. The arbitrator resolving the dispute may dismiss the application if they are not satisfied the applicant properly served each respondent with their own Proceeding Package.

## Amending an application

An application that is set down for an expedited hearing may only be amended 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 documents, photographs, statements, and video or audio recordings. You should submit evidence to the RTB electronically using the Online *Application for Dispute Resolution* or the Dispute Access Site.

Identical copies of evidence must be provided to the applicants, the respondents and the RTB. Parties should 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."

All evidence must be relevant to the *Application for Dispute Resolution*, reliable, accurate, organized, clear and legible or it may not be considered by an arbitrator.

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

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

## Serving and submitting evidence

An applicant must submit copies of all available evidence to the RTB at the same time as the *Application for Dispute Resolution*. The **applicant** must serve the respondent with their evidence within one day of the proceeding package being made available. The **respondent** must serve and submit evidence so that it is received not less than two days before the hearing.

If the director has ordered the parties to use specific service methods, the parties must serve their evidence in accordance with that order.

## Calculating time

When serving documents, don't count the day the document was served (unless it was served in person). For example, if serving documents by attaching a copy to the door on November 1st, the documents are deemed served on November 4th.

## 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 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 hearing will start on the date and at the time on the 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 on the Notice of Dispute Resolution Proceeding and entering the Access Code on page one under "Hearing Information". Parties must state their names to join the 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 special instructions provided in the Notice of Dispute Resolution Proceeding.

Parties may have agents, advocates, lawyers, translators, or personal assistants 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.

The applicant must prove their claim on a balance of probabilities (more probable than not).

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.

Parties must show how their evidence is relevant to the issues identified on the *Application for Dispute Resolution*. The arbitrator determines if the evidence is sufficient to support the claim.

An arbitrator may stop testimony or questioning if it is not relevant 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 the hearing, 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. 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](http://www.gov.bc.ca/landlordtenant/review)

### Judicial review

A party may petition the Supreme Court of British Columbia for judicial review of an RTB decision. Judicial review is not an appeal or an opportunity to reargue a decision. In judicial review, the Court's role is supervisory. It will look at the decision and decide if it was patently unreasonable, or whether the RTB followed a fair process. If the petition is allowed, the Court will usually set the decision aside and send it back to the RTB for reconsideration or 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](http://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](mailto:HSRTO@gov.bc.ca)

Website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

### Service BC

Visit any Service BC Office

Website: [servicebc.gov.bc.ca](http://servicebc.gov.bc.ca)

Contact Enquiry BC for Service BC locations

Greater Vancouver: 604-660-2421

Victoria: 250-387-6121

Elsewhere in BC: 1-800-663-78