

Residential Tenancy Branch

Evidence must be relevant, reliable, organized, and clear

What is evidence?

- “Evidence” is the legal word for things that prove your side of the story in a dispute resolution proceeding
- Evidence may be what you say in the hearing (testimony) or things like documents, photographs, and recordings
- Submitting and exchanging evidence is governed by the RTB’s [Rules of Procedure](#)

What evidence will be considered?

- Arbitrators do not review evidence before a hearing begins
- Parties must participate in the hearing and introduce their submitted evidence for it to be considered by an arbitrator
- A party that cannot attend may be allowed to submit written testimony with advance permission from the RTB
- Arbitrators will only consider evidence that is **relevant** to the dispute and **reliable**
- Evidence that is irrelevant and/or disorganized may not be considered
- Submitting irrelevant evidence could delay the resolution of your dispute and/or result in the dispute not being resolved to your satisfaction

What evidence should I submit?

- Your evidence must be **relevant to the dispute**: it should prove your side of the story and support what you’re asking for, or disprove what’s being claimed against you
- Keep your evidence **focused on the facts** of the dispute
- Evidence must be submitted in English and be legible: if your evidence is in another language, it must be translated prior to submission

Focus on the quality of the evidence, not the quantity

What evidence should I submit?

Below is evidence that you may want to submit:

Type of Evidence	Examples of Helpful Evidence
Documents Acceptable file formats: PDF, DOC, DOCX, TXT, RTF, ODT, XLSX, CSV, PPT	Tenancy agreements, letters, emails, messages, inspection reports, notices to end tenancy, proof of service documents, registered mail tracking reports, financial statements, police reports, bank notices, medical documents, RTB's Monetary Order
Receipts Acceptable file formats: PDF, DOC, DOCX, TXT, RTF, ODT, XLSX, CSV, PPT	Receipts can be used to support monetary claim amounts Receipts include a bill or invoice for repairs, rent receipts, utility bills, security deposit receipts, and quotes
Photographs Acceptable file formats: JPG, JPEG, PNG, TIF, TIFF, BMP	Photos can be helpful to show damage, physical layouts, or things that are difficult to describe Photos should be clear
Audio and Video Acceptable file formats: Video: MP4, MOV, AVI, M4V, WMV Audio: M4A, MP3, WMA, AAC	Images, audio recordings, video recordings or other material provided in an electronic form that cannot be readily reproduced on paper For example, recordings of conversations and videos of damage
The maximum file size for evidence is 200 MB for video files and 10 MB for non-video files	

What evidence is relevant depends on the dispute. Below are examples of evidence that may be relevant for different dispute types:

Dispute Type	Examples of Relevant Evidence
Landlord Application to Keep Security Deposit	Completed condition inspection report; proof of damage to rental unit (e.g., photos); receipts
Tenant Application for Landlord to Complete Repairs	Proof that tenant informed landlord of the need for repairs; proof of need for repairs (e.g., photos)
Tenant Application to Dispute Notice to End Tenancy for Unpaid Rent	Notice to End Tenancy; proof that rent was paid (e.g., bank statement, receipt)

How should I organize my evidence?

- Evidence must be organized in a manner that can be easily accessed and understood by the arbitrator and the other party
- Present what happened in chronological order
- Number and name each file in an easy to understand way, such as:
 - 1_Tenancy Agreement*
 - 2_Photos of water leak*
 - 3_Condition inspection report*
 - 4_Audio recording showing late night noise*
 - 5_Text message from Landlord*
 - 6_forwarding address*
- If your evidence is not organized, there is a risk that you may not have a successful outcome, or the hearing will be adjourned to a later date so that the evidence can be submitted properly

What do I need to do with my evidence?

- Each party must submit a copy of all their evidence to the RTB and [serve it](#) to the other party
- Applicants should provide their evidence at the time of application and must ensure their evidence is received at least 14 days before the hearing
- Respondents must ensure their evidence is received at least 7 days before the hearing
- Learn how to [provide evidence](#) to the RTB and the other party

Each party must be prepared to show proof of service of all evidence

- During the hearing, the arbitrator will make sure evidence was served properly to both parties
- You can submit proof of service (e.g., a document, a receipt, or a witness statement) that shows you gave the other party the evidence
- If the arbitrator finds that evidence was not properly served, they may not allow the evidence to be used in the hearing, or they may adjourn the hearing to a later date to give the party time to review the evidence