



Dispute Resolution Services
Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

File No. 741513

In the matter of the *Residential Tenancy Act*, SBC 2002, c. 78., as amended

Between

And

s.22

Applicant(s)

Respondent(s)

Regarding a rental unit at:

s.22 **-2150 BELLEVUE AVENUE, WEST VANCOUVER, British Columbia**

Attending:

For the Landlord(s):

s.22

For the Tenant(s):

Date of decision:

December 1, 2009

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Decision and Reasons

After filing her claim, the tenant filed several further packages of evidence with the residential tenancy branch. None of this supplemental evidence was ever provided to the landlord. The tenant's agent indicated that evidence was tendered as it was obtained, and that evidence "continues to arrive". The landlord was not prepared to proceed without opportunity to review all the evidence in advance of the hearing.

The failure to provide the landlord with the evidence is a breach of the principles of fairness and natural justice, and a breach of the rules of procedure for these hearings. It would be preferable that all evidence be served together, and given that further evidence may yet be obtained, I have determined that the tenant's application be dismissed, with full liberty to re-apply.

Dated December 01, 2009.

L. Plenert
Dispute Resolution Officer