



Landlord and Tenant Fact Sheet

RTB-127

Preparing for Dispute Resolution

Making an application for formal dispute resolution should be the 'last resort' in a landlord/tenant dispute. Right up until the hearing, you should try to reach an agreement with the other party. For example, if a tenant can agree in writing to let the landlord keep all or some of the security deposit or pet deposit for damages, or the landlord can agree in writing to reduce the rent during major repairs, then a dispute resolution officer (DRO) can make an order that reflects the agreement.

There are no guarantees of success in a dispute resolution hearing. [See Fact Sheet RTB-128: "Resolving a Dispute on your Own."] Preparation for a dispute resolution hearing is essential. Well-prepared evidence makes it easier for the DRO to make a decision.

The person who applied for dispute resolution is responsible for proving their claim. After hearing all the evidence presented by both the landlord and tenant, the DRO will decide which evidence is stronger or more believable.

The importance of well organized, relevant, and convincing evidence cannot be overstated!

Gathering evidence

Important documents: The Tenancy Agreement and any notices or letters about the dispute that have been exchanged between the parties. Examples: a warning letter to the tenant about late rent, or a written request to the landlord to repair a security door.

Receipts and estimates: Receipts that are used to support monetary claims must be clear and readable. Examples: a bill for a plumber who did emergency repairs, or an estimate for the cost of replacing a carpet.

Photographs: Photographs (or clear reproductions such as reprints or laser colour copies) may be used. Write a number on the back of each photograph and write a brief explanation of what is being shown; for example: "carpet stain in living room" or "broken door frame".

Other physical evidence: Other physical evidence (such as a piece of carpet) may be used to demonstrate your claim. You must notify the other party about all the physical evidence you intend to use; tell them what it is and what you expect it will prove.

Video/audio tape: If you want to rely on a video or audio tape, you must provide a copy to the respondent and to the RTB. If you can't provide a copy before the hearing, then you must provide a written summary of the evidence to the other party and to the RTB. If you are relying on this type of evidence you may need to provide the necessary equipment at the hearing.

Witnesses: Witnesses must have first-hand information about the dispute, not just opinions. Talk to your witnesses about the points they will make when giving evidence. For example, other tenants who can talk about the dates and times of loud and disruptive parties, or people who are also concerned about unsafe buildings. Have your witnesses available in person or by telephone to testify at the hearing. If a witness cannot be available for the hearing they can provide a written statement.

Written statements: Written statements must be clear and readable and must provide relevant facts and details, not just opinions. Number the pages and have the writer sign the document. Notarized statements are best because they represent sworn testimony.

Residential Tenancy Branch

Lower Mainland: 604-660-1020 Victoria: 387-1602 Elsewhere in BC: 1-800-665-8779
Website: www.rto.gov.bc.ca

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Serving evidence and submitting it to the Residential Tenancy Branch

Make clear, readable copies of all your evidence. Keep all of the original documents and bring the originals to the hearing so you can show them to the DRO.

To the extent that is possible, the applicant must file copies of all available documents, photographs, video or audio tape evidence at the same time as the Application for Dispute Resolution is filed at the RTB. The respondent must also submit all available evidence to the RTB as soon as possible.

RTB has Rules of Procedure that include deadlines for serving copies of your evidence on the respondent(s) (or on the applicant, if you are a respondent) and for submitting copies of your evidence to RTB.

If you do not follow the Rules, a DRO may refuse to consider your evidence.

You can find all of the Rules of Procedure about evidence and the dispute resolution process online at www.rto.gov.bc.ca, or you can get a copy from RTB.

- See Fact Sheet RTB-119 “How to Serve Documents”.
- See Fact Sheet RTB-126 “Deadlines for Serving Evidence and Submitting It to the Residential Tenancy Branch”.

Plan Your Presentation

Make a list of the issues that are related to the dispute. For example, the security door to the building has been broken for several months and the landlord has refused to fix it, or, the carpet had to be replaced after the tenant moved out.

Organize your evidence. Put your documents and evidence in the order you expect to present them. Number the pages. During the hearing is not the time to be shuffling papers.

Prepare to give your presentation. Make notes about how you will tell your story and the order in which you will present evidence. For example, the tenant had loud parties January 10, 17, 18 and 23. I gave written warnings on January 11, 18 and 19. On January 21, I gave an eviction notice. I have copies of the documents and

witnesses to describe the disruptive parties. Or, the security door was damaged on March 5. I gave three notes to the landlord asking him to fix it. I have witness to confirm that the door is damaged and has not been fixed. I also have photographs of the damage.

Remember: when you get to the hearing you must be prepared, present your evidence in a way that tells your story, and treat everybody with respect.

For more information ...

Visit the RTB’s Web site at www.rto.gov.bc.ca.

Call an Information Officer or listen to our 24 Hour Recorded Information Line:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

Visit the RTB nearest you:

Burnaby: 400-5021 Kingsway

Victoria: 1st Floor, 1019 Wharf Street

Kelowna: 305 – 478 Bernard Avenue

RTB Burnaby and Victoria are open 8:30 a.m. to 4:30 p.m., Monday to Friday.

RTB Kelowna is open 8:30 a.m. to 12 noon, Monday to Friday for limited services.

All RTB offices are closed on statutory holidays.

If there is no RTB in your area, you can get residential tenancy guides, fact sheets and forms online at www.rto.gov.bc.ca or at any Service BC—Government Agents Office.