



# Residential Tenancy Branch

## Dispute Resolution

The Residential Tenancy Branch (RTB) provides dispute resolution services to tenants and landlords when they are unable to reach an agreement on their own. The Dispute Resolution Process is an opportunity for each party to tell their story and present evidence to an arbitrator.

### Step 1: Application

An applicant must first fill out the Application for Dispute Resolution. This can be completed online at [rto.gov.bc.ca](http://rto.gov.bc.ca) or in person at any RTB branch location, Service BC or Government Agent's Office. The standard application fee is \$50 and must be made at the time of the application. The fee is \$100.00 if claiming an amount greater than \$5,000. Fees can be waived if financial hardship is proven.

### Step 2: Evidence and Documentation

Copies of all evidence relating to a case must be presented to RTB at least five business days before the hearing date excluding holidays. All evidence is to be submitted in person or through mail or fax and be reliable, authentic and legible. Evidence can include spoken testimony from witnesses at the hearing, documents such as written statements, receipts and photographs and digital evidence (photographs, audio recordings, video recordings). Copies of all digital evidence, along with a written description, must be passed on to all parties and the RTB. Physical evidence, such as a piece of carpet or a broken lock, is not accepted.

### Step 3: Hearing Package/Serving Notice

Once prepared, the applicant must pick up the Hearing Package which contains important information such as the hearing date and time and all documents and evidence that will be presented at the hearing. An applicant will be given a pick-up date at a time of submission if the application was completed at an RTB location. Applicants at Service BC or Government Agent offices will be contacted by the RTB at the number provided on their application and told when they need to pick up the Hearing Packages.

The applicant has three days to serve the Hearing Package to the respondent. Failure to do so may result in that evidence not being considered or the hearing being adjourned. The hearing package can be served in one of the following ways:

- Leaving it with the respondent
- Leaving it with a landlord's agent or sending it by registered mail to an address at which a landlord carries on business as a landlord
- Sending it by registered mail to an address at which the respondent resides or to his/her forwarding address
- Serving it in accordance with an RTB order

When applying for an Order of Possession or for an order to end a tenancy, the landlord must serve the Hearing Package in one of the following ways:

- Leaving it with the tenant or an adult that resides with the tenant
- Sending it by registered mail to the address at which the tenant resides
- Attaching it to a door or other conspicuous place at a tenant's residence
- Serving it in accordance with an RTB order



# The Dispute Resolution Process

## The Residential Tenancy Branch

### Step 4: Hearing

A dispute resolution hearing is a court-like process conducted through a conference call and is heard by an arbitrator. During a hearing, an applicant and the respondent present their case and all relevant supporting evidence. An arbitrator may stop testimony or questioning if it is not relevant to the application, has already been addressed or for clarification purposes.

### Step 5: Decision

An arbitrator has 30 days after the hearing to issue a written decision. The arbitrator will not consider further submissions, evidence or information after the hearing date and before the decision is rendered unless requested by the arbitrator. RTB decisions give parties reasons for decisions and are final and legally binding.

If an Order of Possession has been granted, a tenant must vacate the rental property. If a tenant refuses to leave, an Order of Possession may be enforced by a Writ of Possession. This is obtained from the Supreme Court of British Columbia, permitting a court bailiff to legally remove the tenant and all belongings from the rental property.

### Review of decision

An applicant or a respondent may dispute a decision if one of the following “grounds for review” can be proven:

- The party was unable to attend the original hearing due to circumstances that were beyond their control
- The party has new and relevant evidence that was not available at the time of the original hearing
- The party has evidence that the decision was obtained by fraud.

The disputing party has two days to apply for a review if the decision relates to a notice to end tenancy for non-payment of rent or an Order of Possession; five days if the decision deals with repairs or a notice to end a tenancy other than for unpaid rent. In other cases, applications must be submitted within fifteen days. The Application for Review Consideration is available online on the RTB website or can be filled out in person at any branch location or a Service BC or Government Agent’s Office. There is a \$25 fee application fee, which can be waived for financial hardship.

- Copies of new evidence must be attached to the application.
- The disputing party will receive a written decision which will indicate if a review consideration has been granted or dismissed. If the review has been granted, all parties involved must be notified and given any new information on the hearing.

A person directly affected by a decision can apply to the Supreme Court of British Columbia for a judicial review if they believe the arbitrator was biased, made an error in the application of the law or failed to comply with the rules of procedural fairness.

### Learn More:

To learn more about landlord and tenant rights and responsibilities under British Columbia's *Residential Tenancy Act* and *Manufactured Home Park Tenancy Act*, visit: <http://www.rto.gov.bc.ca/>