



Policy: RT-3620-004

## Policy and Procedure

# Submitting and Serving Evidence

*This policy provides guidance to staff at the Employment Standards and Residential Tenancies Branch and the public in understanding our internal processes. This policy is not law. To the extent that this policy conflicts with any federal or territorial legislation, the legislation prevails. This policy may be amended or revised by the Director of Employment Standards and Residential Tenancies. If you have questions about the policy, please contact the Employment Standards and Residential Tenancies branch by phone at (867) 667-5944 or email at [eso@yukon.ca](mailto:eso@yukon.ca) or [rto@yukon.ca](mailto:rto@yukon.ca).*

### Purpose

To describe the process for landlords and tenants who are party to a dispute to file their materials at the Residential Tenancies Office (“RTO”) and serve the other party.

### Background

Parties to the dispute resolution process are responsible for providing the RTO with all relevant information and evidence to support their claim. They should submit copies of all documents, photographs, video and audio evidence relevant to the dispute.

The party who applies for dispute resolution (the “Applicant”) provides their written argument and supporting evidence with the Application for Dispute Resolution. The other party (the “Respondent”) is then given time to respond to the Applicant’s materials by submitting their own argument and supporting evidence.

The Applicant is then entitled to a limited reply to address issues raised by the Respondent that were not addressed in the Applicant’s original submission. The reply is not an opportunity to raise additional arguments, but to reply to new issues raised by the Respondent. After reply, the submissions typically close.

## Policy and Procedure

The procedure for submitting and serving evidence for disputes at the RTO is as follows:

### 1. Application for Dispute Resolution

At the time that the Applicant files their Application for Dispute Resolution, they must also submit all their evidence and argument to support their claim.

Once the Application and supporting material are filed with the RTO and the application fee is paid, the matter will be assigned to an adjudicator. The adjudicator will prepare an application package that includes all the Applicant's materials and a Notice of Hearing to the Respondent to inform them of the deadline and procedure to file any response submissions.

The adjudicator will return this application package to the Applicant. The Applicant is then responsible for serving the Respondent with the application package within three (3) days, unless another time frame is specified by the RTO.

### 2. Response submissions

The Respondent will be given a specified amount of time to file their own argument and evidence to address the claims made by the Applicant. The Respondent should include all relevant evidence and information to support their position.

After the Respondent has filed their submission, they will receive instructions from the RTO about serving their materials on the Applicant.

### 3. Reply submissions by the Applicant

The Applicant has a limited right of reply. They are entitled to respond to any relevant issues raised by the Respondent that they did not anticipate, and did not address, in their original submission.

The RTO will only accept true reply submissions. The RTO will usually not consider new evidence or argument raised by the Applicant in reply.

Once the Applicant has submitted evidence in reply, or has opted not to reply, the submissions close. Neither party is entitled to file new arguments or evidence after this point.

The Respondent may request to provide more evidence in "sur-reply". A sur-reply will only be granted if something arises during the dispute that the Respondent has not had an opportunity to respond to. Otherwise, the submission process will close after the reply.

## Additional information

Parties may submit evidence electronically to [rto@yukon.ca](mailto:rto@yukon.ca) or in person at 307 Black Street in Whitehorse, or by mail to:

Employment Standards and Residential Tenancies  
Government of Yukon (C-7)  
Box 2703  
Whitehorse, YT Y1A 2C6

Parties to a dispute must consider the method they will use to serve their evidence on the other party. If service cannot be completed within three (3) days, the party should notify the RTO and request an extended period to complete service.

## Policy history

Date	Version number	Description
June 10, 2024	1	Policy approved