



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

INTERIM DECISION

Dispute Codes:

MNDC

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application for a monetary Order for a monetary Order for money owed or compensation for damage or loss.

The Tenant stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Landlord via registered mail at the service address noted on the Application, on July 29, 2009. A Canada Post receipt was submitted that corroborates that the Tenant mailed a package on that date. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Landlord did not appear at the hearing. The hearing commenced in the absence of the Landlord.

Issue(s) to be Decided

The issue to be decided is whether the Tenant is entitled to compensation for personal property that was lost and/or damaged during the course of this tenancy, pursuant to sections 67 72 of the *Residential Tenancy Act (Act)*.

Interim Matter

During the hearing the Tenant referred to photographs that he stated were submitted in evidence. I advised the Tenant that I had no photographs in evidence, nor did I have any indication that photographs had been received by the Residential Tenancy Branch.

I note that the Tenant makes reference to photographs he submitted in evidence in a document, dated January 06, 2009, which was submitted in evidence. I advised the Tenant that I would be proceeding with the hearing in the absence of the photographs, that he would be permitted to refer to the photographs, and that I would attempt to locate the photographs at the end of the hearing.

At the conclusion of the hearing I determined that the Residential Tenancy Branch has no record of receiving photographs as evidence in relation to this Application for Dispute Resolution. I find that it is possible that the Tenant submitted photographs in evidence

in relation to this Application for Dispute Resolution and that those photographs were been mishandled by the Residential Tenancy Branch. To ensure that the Tenant is provided with every opportunity to present his evidence, I hereby provide the Tenant with the opportunity to re-submit the photographs that he allegedly submitted in support of this Application for Dispute Resolution.

The Tenant is hereby advised that he must re-submit these photographs on, or before December 20, 2009, at which time they will be considered when rendering a decision in this matter. The Tenant is further advised that he is only entitled to submit photographs that have been previously submitted in support of this Application for Dispute Resolution and that have been properly served on the Landlord. The Tenant is further advised that my decision will be rendered without considering photographs if those photographs are not received prior to December 21, 2009.

This interim decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 20, 2009.

Dispute Resolution Officer