



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes**

MND; MNSD; MNDC; FF

### **Introduction**

This matter was scheduled to hear the Landlords' application for compensation for damage or loss under the Act, regulation or tenancy agreement; for a monetary order for damage to the rental unit; to apply the security deposit towards partial satisfaction of their monetary award, and to recover the cost of the filing fee from the Tenants.

Both parties appeared and provided affirmed testimony.

It was determined that the Landlords mailed each of the Tenants the Notice of Hearing documents, by registered mail, on May 16, 2011. The Tenants had not provided a forwarding address, but the Landlords discovered their current residential address through performing a credit check. The Tenants confirmed that they received the documents on May 17, 2011.

The Tenant BW confirmed that he received copies of the Landlords' documentary evidence at 5:10 p.m. on August 8, 2011.

The Tenants testified that they provided copies of their documentary evidence to the Landlords by serving their agent on August 16 or 17, 2011. The Landlords testified that the agent the Tenants referred to is not their agent and that the agent had to find the Landlords and provide them with the Tenants' documents. The Landlords testified that they did not receive the Tenants' documents from the agent until August 18, 2011.

### **Preliminary Matter**

The Landlords submitted that they did not receive the Tenants' documentary evidence within the 5 days allowed by the Rules of Procedure. They indicated that they did not have time to provide rebuttal evidence and requested an adjournment in order to do so.

I find that an adjournment is required to provide a fair opportunity for the Landlords to provide rebuttal evidence and that the Tenants are not prejudiced by an adjournment.

I hereby adjourn this matter to be heard on the date disclosed in the Notice of Reconvened Hearing that accompanies this Interim Decision. The Landlords must serve the Tenants with the enclosed Notice of Reconvened Hearing document, together with their rebuttal evidence, within three (3) days of receipt of this Interim Decision.

### **Conclusion**

These matters are adjourned to the date disclosed in the Notice of Reconvened Hearing that accompanies this Interim Decision.

**The Landlords must serve the Tenants with the enclosed Notice of Reconvened Hearing document, together with their rebuttal evidence, within three (3) days of receipt of this Interim Decision.**

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: August 25, 2011.

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Residential Tenancy Branch