



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **2<sup>nd</sup> INTERIM DECISION**

Dispute Codes      MNR, MND, MNDC, MNSD and FF

### Introduction

This matter was originally set for hearing on April 16, 2012 but was adjourned to the present session as evidence the landlord said she had submitted, including proof of service of the Notice of Hearing, had not arrived in time for the hearing. As a matter of note, that evidence package, which had been submitted late, did arrive after the hearing on April 16, 2012, however it did not include the photographs.

In my Interim Decision of April 16, 2012, I directed the applicant to resubmit her evidence and to provide the tenant a copy of the same evidence along with notice of the reconvened hearing.

When the hearing reconvened, the respondent tenant did not appear. When I asked the applicant for proof of service, she stated that when she attended our branch office to submit evidence, she was advised that it was not necessary for her to serve the tenant as the branch would provide the respondent with the Notice of Hearing.

This would appear to be a miscommunication. Applicants are required to prove that the respondent has been served with the Notice of Hearing and all applicable evidence. Given the apparent misunderstanding, I adjourned the hearing again with clear direction to the applicant that when the hearing reconvenes as per the enclosed Notice of Hearing, she must provide proof that the respondent tenant has been served with the Notice and evidence.

This 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: May 31, 2012.

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Residential Tenancy Branch