



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDC, MNSD, AAT

Introduction / Background / Evidence

This hearing was scheduled in response to the tenant's application for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the security deposit / and an order instructing the landlords to provide the tenant with access to (or from) the unit or site for the tenant or the tenant's guests. The tenant attended the hearing and gave affirmed testimony.

The tenant testified that she served the application for dispute resolution and the notice of hearing (the "hearing package") on the landlords by way of personally delivering it in care of another tenant, who she identified by name. The tenant also testified that subsequent to filing her application, she was served with the landlords' application for dispute resolution, pursuant to which a hearing is scheduled to commence at 9:00 a.m. on Thursday, September 13, 2012.

I am not satisfied that the other tenant with whom the tenant / applicant left her hearing package is a bona fide agent of the landlords. In the result, I find that the tenant's method of service fails to satisfy the statutory requirements for service set out in section 89 of the Act which addresses **Special rules for certain documents**. Having made this finding, I concluded the hearing.

Subsequent to the conclusion of the hearing, a Branch information officer informed me that the landlords had telephoned the Branch to inquire about the present hearing after the hearing had been concluded. The understanding is that the landlords did not attend because of some difficulty or confusion related to the pass code. Ultimately, therefore, it appears that the landlords did indeed receive the tenant's hearing package.

Following from all of the above, and in view of the future hearing date scheduled in response to the landlords' application, this hearing is adjourned. The tenant's application will be re-scheduled and heard at the same time as the landlords' application, and a notice of hearing in this regard will be mailed by the Branch under separate cover to both parties.

Conclusion

This hearing is adjourned and will be heard as a cross application along with the landlords' application on September 13, 2012.

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: July 12, 2012.

Residential Tenancy Branch