



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

MNDC, MNSD, FF, O

Introduction

This matter was scheduled to consider the Tenant's application for compensation for damage or loss under the Act, regulation or tenancy agreement; for return of the security deposit; and to recover the cost of the filing fee from the Landlord.

The parties gave affirmed testimony at the Hearing.

Preliminary Matters

The Tenant testified that she served each of the Landlords with the Notice of Hearing documents by registered mail sent September 6, 2012. The Tenant provided registered mail receipts and tracking numbers in evidence. I am satisfied that both of the Landlords were served with the Notice of Hearing documents by registered mail. Section 90 of the Act deems service to be effected September 11, 2012.

The Tenant testified that she served the Landlords with copies of her documentary evidence by leaving them in the Landlords' mailbox on November 14, 2012. Rule 3 of the Rules of Procedure requires documents to be served as soon as possible, but in any event at least 5 clear days before the date of the Hearing. Section 90 of the Act provides that documents left in a mailbox are deemed to be received 3 days after leaving them in the mail box. Therefore, I find that the Tenant did not serve the Landlords with copies of her documentary evidence within the timelines set out in the Rules.

The Landlords' agent stated that the Landlords did not receive any documentary evidence from the Tenant. She testified that the Landlords served the Tenant with their documentary evidence, but she could not say how or when the documents were served. The Tenant stated that she has not received any documentary evidence from the Landlord.

I adjourned the Tenant's application in order to allow both parties to re-serve each other with their documentary evidence. I directed each party to serve the other immediately upon receipt of this Interim Order. I also advised the parties that no documentary evidence, other than the documentary evidence they had already provided to the Residential Tenancy Branch, would be allowed into evidence.

Conclusion

This Hearing is adjourned to the date and time provided in the enclosed Notice of Reconvened Hearing.

The parties must re-serve each other with the documentary evidence that they provided to the Residential Tenancy Branch prior to the Hearing. No other documentary evidence will be accepted.

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, 2012.

Residential Tenancy Branch