



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, MNDC, RPP

Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order for return of the security deposit - Section 38;
2. A Monetary Order for compensation – Section 67; and
3. An Order that the landlord return the tenant’s personal property – Section 65.

The Tenant and Landlord were each given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Tenant entitled to the monetary amount claimed?

Is the Tenant entitled to an Order of Possession?

Preliminary Matter

At the onset of the Hearing, the Attorney stated that his client, the named Landlord, does not have a tenant at the dispute address, which was acquired by the Landlord through a bankruptcy two years previous. The Attorney stated that the unit has been empty since that time. The Tenant stated that a land title search was done on the unit and that the search identified the named Landlord as the owner. The Tenant did not provide a copy of this search as evidence.

As the Attorney for the Landlord disputes that the Tenant has the correct owner and Landlord, I find that it would be vital for a determination of this matter to have the land title search as evidence. I therefore adjourn this matter in order for the Tenant to

provide this evidence and the Parties are notified that the Hearing will be reconvened on Monday January 14, 2012 at 10:30 a.m. I direct the Tenant to serve the Landlord with its evidence in accordance with the service provisions of the Act and **no later than 5 days before the Hearing.**

Notice of Hearing letters will be sent to the Tenant who must serve the Landlord with a Notice of Hearing letter and any additional evidence in accordance with the service provisions of the Act and **no later than 5 days before the Hearing.**

Failure to attend the Hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the Dispute Resolution Officer and the evidence of the Party in attendance at the Hearing.

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

Dated: December 6, 2012.

Arbitrator
Residential Tenancy Branch