



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, OPL MND, MNSD, MNDC and FF

### Introduction

This application was originally made by the landlord on December 28, 2012 seeking an Order of Possession pursuant to a Notice to End Tenancy for cause and breach dated November 30, 2012 and setting an end January 1, 2013. The landlord had also sought a monetary award of \$200 for damage to the rental unit, damage or loss under the legislation of the rental agreement, recovery of the filing fee and authorization to retain the security deposit in set off against the balance owed.

However, the landlord submitted an amendment to the application date stamped as received on January 21, 2013 along with an additional 48 pages of evidence.

In addition, the parties concurred that the tenants had vacated the rental unit on January 1, 2013 in compliance with the Notice to End Tenancy and the attending tenant stated that he had vacated two weeks earlier following which most of the claimed damage occurred. The other tenant did not attend.

Under the rules of procedure, an amendment to an application must be served at least five clear days prior to the hearing.

I find that the late amendment and new evidence were not served on the tenants in sufficient time to permit them an opportunity to prepare a response to the substantial number of new claims.

Therefore, this matter is adjourned to a time and place set out in the accompanying Notice of Hearing.

When the hearing reconvenes, the landlord must be prepared to prove that the Notice was served on both parties.

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: January 25, 2013



# Residential Tenancy Branch

RTB-136

## Now that you have your decision...

All decisions are binding and both landlord and tenant are required to comply.

The RTB website ([www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)) has information about:

- How and when to enforce an order of possession:  
Fact Sheet RTB-103: *Landlord: Enforcing an Order of Possession*
- How and when to enforce a monetary order:  
Fact Sheet RTB-108: *Enforcing a Monetary Order*
- How and when to have a decision or order corrected:  
Fact Sheet RTB-111: *Correction of a Decision or Order*
- How and when to have a decision or order clarified:  
Fact Sheet RTB-141: *Clarification of a Decision or Order*
- How and when to apply for the review of a decision:  
Fact Sheet RTB-100: *Review Consideration of a Decision or Order*  
**(Please Note: Legislated deadlines apply)**

To personally speak with Residential Tenancy Branch (RTB) staff or listen to our 24 Hour Recorded Information Line, please call:

- Toll-free: 1-800-665-8779
- Lower Mainland: 604-660-1020
- Victoria: 250-387-1602

Contact any Service BC Centre or visit the RTB office nearest you. For current information on locations and office hours, visit the RTB web site at [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

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Residential Tenancy Branch

#RTB-136 (2011/07)

