



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

### **Dispute Codes:**

Tenant's application: (filed December 21, 2012): MNDC

Landlord's application: (filed March 4, 2013) MND; MNSD; MNDC; FF

### **Introduction**

This Hearing was convened to consider cross applications. The Tenant seeks compensation for damage or loss under the Act, regulation or tenancy agreement.

The Landlord seeks compensation for damage or loss under the Act, regulation or tenancy agreement; a monetary order for damages to the rental unit; to apply the security deposit towards partial recovery of her monetary award; and to recover the cost of the filing fee from the Tenant.

The parties gave affirmed testimony at the Hearing.

### **Preliminary Matters**

The Tenant testified that she hand delivered her Notice of Hearing documents and copies of her documentary evidence to the Landlord on December 28, 2012. The Landlord acknowledged receipt of these documents.

The Landlord testified that she mailed the Tenant her Notice of Hearing documents and some of her documentary evidence, by registered mail, to the Tenant on March 5, 2013. The Landlord provided the tracking number for these documents. She stated that she sent another package of documents to the Tenant on or about March 8, 2013, but she did not have tracking numbers for those documents. The Tenant admitted service of the Landlord's Notice of Hearing documents and the first set of documentary evidence, but stated that she did not receive the second package of documentary evidence.

The Landlord filed her cross Application on March 4, 2013, which was very close to the date that the Tenant's application was scheduled to be heard. Documents served by mail are deemed to be received 5 days after mailing. In the interest of procedural fairness, I adjourned the Hearing to allow the Landlord to re-serve her second package of documentary evidence. I ordered the Landlord to serve these documents within 3 days, and directed the Tenant to provide any rebuttal evidence to the Residential

Tenancy Branch and to serve the Landlord with such rebuttal evidence within 3 days of receiving the Landlord's second evidence package.

These matters are adjourned to the date and time provided on the enclosed Notice of Reconvened Hearing.

**Conclusion**

These matters are adjourned to the date and time provided on the enclosed Notice of Reconvened Hearing.

I order the Landlord to re-serve the Tenant with her second package of documentary evidence that was provided to the Residential Tenancy Branch on March 8, 2013, within 3 days. The Tenant will have 3 days to provide rebuttal evidence to the Residential Tenancy Branch and to the Landlord.

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: March 20, 2013

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Residential Tenancy Branch