



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kandola Ventures Inc.
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes:

MNDC

Introduction

This is the Tenant's application for compensation for damage or loss under the Act, Regulation or tenancy agreement.

The parties gave affirmed testimony at the Hearing.

It was determined that the Tenant served the Landlords with the Notice of Hearing documents by registered mail, sent on January 29, 2013. A copy of the registered mail receipt and tracking number was provided in evidence.

Preliminary Matters

The Landlord JK testified that she mailed the Tenant the Landlords' copies of documentary evidence, by registered mail, but was not certain of the date that the documents were mailed. The Landlords provided a copy of the registered mail receipt in evidence. A search of the Canada Post Tracking information indicates that the documents were mailed on April 16 and received by the Tenant on April 18, 2013.

The Tenant gave two different dates and two different methods of service for her rebuttal evidence. The Tenant testified that she hand delivered the documents to the Landlords at their place of business on April 16, 2013. When reminded that she did not receive the Landlords' documents until April 18, 2013, the Tenant testified that she provided the Landlord with her rebuttal evidence on April 18, 2013, by placing the documents in the deposit box at the Landlord's place of business. The Landlords testified that they didn't receive any of the Tenant's rebuttal evidence.

Parties are required to provide their documentary evidence as soon as it is available. When asked why the Landlords provided the Tenant and the branch with their documentary evidence so late, the Landlord JK stated that the documents were with her accountant in Quesnel and therefore unavailable until mid April. I find that the

Landlords did not provide a sufficient explanation for delaying service of their documents (for example: why they did not have their accountant fax them the documents; or why copies of correspondence between them and the Tenant would be in the hands of their accountant).

I adjourned this matter in order to allow both parties an opportunity to study the other party's documentary evidence and to allow the Tenant to re-serve the Landlords with her rebuttal evidence. **I ordered the Tenant to send her rebuttal evidence to the Landlords, by registered mail, no later than April 27, 2013. I further ordered the Tenant to provide the Residential Tenancy Branch with a copy of the registered mail receipt. I cautioned the Landlords that they would be deemed to be served 5 days after the Tenant mailed the documents.**

The Tenant was cautioned about the necessity of providing clear and accurate testimony at the reconvened Hearing.

Copies of a Notice of Reconvened Hearing for both of the parties are enclosed with this Interim Decision. The Tenant is not required to serve the Landlords with the Notice of Reconvened Hearing.

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: April 24, 2013

Residential Tenancy Branch

