



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, MND, FF

This hearing was set to deal with two related files. Both parties appeared and had an opportunity to be heard.

File is an application by the landlord for an order of possession, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. The landlord advised that when she was not able to serve the application for dispute resolution and notice of hearing within the three day time limit she contacted the Residential Tenancy Branch. They told her that the file would be closed as “abandoned” and she should file a new application for the same relief.

She did so on file. That application for dispute resolution was served on the tenant by registered mail. The landlord subsequently served her evidence in support of her application on the tenant by registered mail. Neither item was claimed by the tenants. The tenant acknowledged that two registered mail packages had been sent to them when they were on holidays but before they returned from their holidays the packages were returned to the sender by Canada Post. File is set for hearing on August 22 at 3:00 pm and all of the evidence filed by the landlord is on that file.

File is the tenants’ application for return of the security deposit. That application for dispute resolution and notice of hearing were served on the landlord by registered mail actually received by the landlord on June 28, 2013.

The landlord advised that the tenants had moved out of the rental unit and an order of possession was not required.

I ordered, pursuant to Rule 2.2, that all three files should be heard together on August 22, 2013 at 3:00 pm.

Although the landlord had served the application for dispute resolution and evidence package properly the tenants had not seen any of this material. In order to make the hearing on August 22 more efficient and more meaningful the landlord agreed to fax a

copy of this material to the tenants c/o the B C Service Centre in Nanaimo on or before August 20. She was going to make arrangements with the B C Service Centre staff about receiving some confirmation that they had received the fax and that the tenant had picked it up. The tenant is going to pick up the fax before the August 22 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 *Residential Tenancy Act*.

Dated: August 20, 2013

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Residential Tenancy Branch

