



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DAVID BURR LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, MNSD, MNDC, FF

Introduction

This hearing was scheduled for June 25, 2013 to deal with the landlord's application for a Monetary Order for unpaid rent; damage or loss under the Act, regulations or tenancy agreement; and, authorization to retain the security deposit.

Both parties appeared at the originally scheduled hearing. The parties were in dispute as to whether the tenant was served with the landlord's evidence. The tenant alleged that the landlord's evidence was not served upon him. The landlord asserted that it had been included with the Landlord's Application for Dispute Resolution and Notice of Hearing sent to the tenant by registered mail. I adjourned the hearing and ordered the landlord to (re)serve the landlord's evidence package to the tenant. Notices of Adjourned Hearing were sent to by other parties by the Residential Tenancy Branch.

On August 13, 2013 the hearing reconvened and only the landlord appeared. The landlord acknowledged that the landlord was unable to serve the tenant with the landlord's evidence package as I had previously ordered as the landlord had misplaced their copy of the evidence. The landlord requested that I authorize a release of the landlord's evidence that is on file with the Residential Tenancy Branch and grant a second adjournment in order to comply with the order I made at the original hearing.

I have considered the landlord's request as described above and the criteria for granting an adjournment as provided under Rule 6.4 of the Rules of Procedure. I find it appropriate to dismiss this Application for Dispute Resolution with leave to reapply. In doing so, I further authorize the release of the landlord's evidence to the landlord once this file is closed.

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 14, 2013

Residential Tenancy Branch

