



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

Landlords' Application filed November 13, 2013: MNR; MNSD; MNDC; FF

Tenant's Application filed December 10, 2013: MNDC; MNSD; FF

Introduction

This Hearing was convened to consider cross applications. The Landlords seek a monetary award for unpaid rent; compensation for damage or loss under the Act, regulation or tenancy agreement; to set off the security deposit against their monetary award; and to recover the cost of the filing fee from the Tenant.

The Tenant seeks compensation for damage or loss under the Act, regulation or tenancy agreement; return of the security deposit; and to recover the cost of the filing fee from the Landlord.

Preliminary Matters

1. Tenant's application to adjourn

On February 4, 2014, the Tenant sent a written request to the Residential Tenancy Branch (the RTB) to reschedule these files. The Tenant is currently in Africa, without telephone service and with limited SKYPE service. The Tenant also made a formal request in writing to the Landlords, but he has not received a response. The RTB made numerous attempts to contact the Landlords to obtain permission, but all attempts have failed.

The Tenant submits that he is in a rural area of Africa with little or no telephone access. He also submits that any telephone access is subject to interference and dropped calls. The Tenant attempted to call into the teleconference, but his call was dropped twice, there was a delay in his response to questions, and because of the static he was difficult to understand.

The male Landlord stated that the telephone number that was provided on their Application for Dispute Resolution belongs to the female Landlord, who is currently out

of the country. The Landlord provided me with his telephone number during the Hearing.

The Landlord did not have any objections to an adjournment, and therefore I granted the Tenant's application for an adjournment.

The Tenant provided dates that he will be back in Canada. I advised the parties that the RTB would be providing both parties with Notices of the Reconvened Hearing in due course. I confirmed the mailing address for both parties.

2. Request for permission to provide further documentary evidence

Both parties sought an Order allowing them to provide additional evidence to each other and to the RTB. The dates that the Tenant provided are in May and June, 2013. I find that there is no prejudice to either party in making such an Order and that it would not result in a breach of the principles of natural justice to do so. Therefore, I make the following ORDERS:

WITHIN 5 DAYS of receipt of this Interim Decision, the Landlords may provide the Tenant and the RTB with additional documentary evidence regarding their Application. The Tenant will have 5 DAYS from receipt of the Landlords' documentary evidence to provide rebuttal evidence.

WITHIN 5 DAYS of receipt of this Interim Decision, the Tenant may provide the Landlord and the RTB with additional documentary evidence regarding his Application. The Landlords will have 5 DAYS from receipt of the Tenant's documentary evidence to provide rebuttal evidence.

I recommend that the parties serve each other by registered mail. The parties will be required to provide proof of service of the documents at the reconvened Hearing.

Conclusion

I heard none of the merits of either of the parties' applications and therefore this matter may be assigned to another arbitrator, or to me.

Copies of a Notice of Reconvened Hearing are provided to both parties. This matter is adjourned to the date and time provided in the enclosed Notice of Reconvened Hearing.

The parties may serve each other, and provide the RTB, with additional documentary evidence in accordance with the provisions of my Orders as set out above.

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: February 12, 2014

Residential Tenancy Branch

