



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NKS Enterprises
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes OPR OPC OPB MND MNR MNSD MNDC FF O MT CNR OLC

Introduction

This hearing was convened pursuant to applications by the tenants and the landlord. The tenant applied to cancel a notice to end tenancy for unpaid rent, as well as for an extension of time to make that application; an order for recovery of the security deposit; and an order that the landlord comply with the Act. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial compensation of the claim. The female tenant and an agent for the landlord participated in the teleconference hearing.

At the outset of the hearing the parties confirmed that the tenants moved out of the rental unit on March 1, 2014. I therefore dismissed the portions of the applications regarding the notices to end tenancy and the tenants' application for an order that the landlord comply with the Act.

The landlord stated that she did not receive the tenants' amended application, and the tenant could not confirm that her amended application was served on the landlord. The tenant stated that she did not receive the landlord's application or evidence. I determined that it was appropriate to adjourn the hearing, so that the tenant may re-serve her amended application on the landlord and the landlord may re-serve her application and evidence on the tenants.

The tenant provided a new address for service, and requested that any mail sent by the landlord be addressed to the female tenant. The landlord only named the male tenant as a respondent because his name was the only name on the tenancy agreement, however, I will accept service of any documents by the landlord on the female tenant as sufficient service on the male tenant.

In the hearing I informed the parties that they may not submit any additional evidence. I now wish to clarify that the parties may not submit any further evidence to support their

own claims; however, the tenants may submit evidence in response to the landlord's claim, and the landlord may submit evidence in response to the tenants' amended claim. Any such permitted evidence must be served on the other party and also to the Residential Tenancy Branch, in accordance with the Rules of Procedure (subject to my ruling, above, that the landlord may serve the male tenant by serving on the female tenant).

Enclosed with this interim decision is 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: March 11, 2014

Residential Tenancy Branch

