



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MND, MNDC, MNR, MNSD, OPC, OPB

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation in the sum of \$1,956.00 for damage to the rental unit, compensation for damage or loss under the Act, to retain the security deposit and obtain an Order of possession.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

Preliminary Matters

The tenants confirmed that they vacated the unit at the end of January 2015. The landlord confirmed the tenants have vacated.

The landlord could not tell me when the tenants were each served with the hearing documents and evidence. Registered mail was attempted and then service was completed to the address on the application.

The tenants said that it was on either February 16 or 17, 2015 that they received the hearing documents and some evidence, including photographs.

Within 3 days of making the application, service to each respondent must be initiated. There was no evidence before me supporting service was initiated within 3 days. The tenants did confirm that the evidence was received just fourteen days prior to the hearing.

The landlord submitted the evidence to the Residential Tenancy Branch (RTB) on March 2, 2015. Section 2.5 of the Rules of Procedure requires, to the extent possible, a

claimant to submit evidence and a detailed calculation of the claim made at the same time as the application is made. Much of the evidence appears to have pre-dated the application date.

Section 3.7 of the Rules of Procedure requires a party to submit evidence that is identified in the same manner and placed in the same order; I could not establish this was the case as the copy of the landlord's evidence given to the RTB was not sequentially numbered. The evidence received by the tenants was not numbered and they could not locate the page which set out the detailed calculation of the claim. As a result I had no confidence that the evidence given to the tenants was the same as that served to the RTB.

In the absence of evidence that was identified in the same manner and placed in the same order, and in the absence of a detailed calculation given with the tenant's evidence I determined that the application would not proceed. Therefore, the application is dismissed with leave to reapply.

This decision is final and binding and 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 04, 2015

Residential Tenancy Branch

