



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kendall Property
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes MNDC FF O

Introduction

This hearing convened pursuant to the tenant's application for monetary compensation. The landlord and the tenant called in to the teleconference hearing.

Preliminary Issue – Service of Evidence

The landlord stated that they received the tenant's evidence late, on March 31, 2015, and they did not have sufficient time to prepare to respond to that evidence.

The tenant stated that she did not receive the landlord's evidence; however, the night before the hearing her son told her that he had found an envelope on or near the back door. The tenant stated that they never use the back door, and she had not yet seen the contents of the envelope. The landlord stated that they attached the envelope to the door in compliance with the Act, and the tenant ought to be considered deemed served with the evidence. I accepted the tenant's evidence regarding the landlord's evidence and explained to the landlord that deemed service does not apply when the intended recipient of the evidence has not received the evidence.

I determined that the appropriate remedy in these circumstances was to adjourn the hearing. The landlord will therefore have more time to consider the tenant's evidence and submit further evidence in response. The landlord agreed to re-serve the tenant with their evidence. The tenant may not submit any further evidence prior to the reconvened hearing.

Conclusion

This matter is adjourned to the date and time set out in 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: April 10, 2015

Residential Tenancy Branch

