



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

MND; MNR; MNDC; FF

Introduction

This is the Landlord's Application for Dispute Resolution seeking a monetary order for unpaid rent or utilities and damage to the rental unit; compensation for damage or loss under the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Tenant.

Both parties signed into the Hearing and provided affirmed testimony.

It was determined that the Landlord sent the Notice of Hearing documents and copies of his documentary evidence, by registered mail, on October 29, 2015. The Tenant picked up the registered documents on November 6, 2014.

Preliminary Matters

The Tenant submitted that these matters were already decided at a former hearing, held October 27, 2014. The file number for the former hearing was provided.

The former hearing considered cross applications. The decision at the former hearing provided the Tenant with a Monetary Order in the total amount of \$1,449.00, which included return of the security deposit, less \$76.00 for the cost of replacing lost keys and a visitor parking pass; return of rent overpayment; and recovery of the filing fee. The Landlord had applied for a monetary award and to apply the security deposit against his monetary award; however, his Application was dismissed with leave to reapply, with the exception of his claim against the security deposit because it had been awarded to the Tenant. I explained this to the Tenant, who stated that she had been told by an information officer that the Landlord's matter would not be heard because it had already been decided.

The Tenant testified that she would have provided documentary evidence if she had not been wrongly advised. By this time in the Hearing, 30 minutes had elapsed. I told the parties that I would hear the Landlord's submissions and that we would adjourn to hear the Tenant's submissions as we would not have time to complete the Hearing.

I made Orders with respect to service of documents during the Hearing. I ordered the Tenant to provide the Residential Tenancy Branch and the Landlord with copies of her documentary evidence and that she serve the Landlord by registered mail. I ordered the Tenant to mail the documents within 5 days of the Hearing date (by May 4, 2015) and that she would be required to provide proof of service of the documents at the reconvened Hearing.

The Landlord asked for the opportunity to provide further documents in answer to the Tenant's documentary evidence. I ordered that the Landlord provide the Residential Tenancy Branch and the Tenant with his documentary evidence within 7 days of receipt of the Tenant's documents.

The Tenant gave a new address for service during the Hearing.

The Landlord provided his oral testimony, which will be recorded in my final Decision. This matter is adjourned. At the reconvened Hearing, the Tenant will provide her oral testimony with respect to the Landlord's Application.

Conclusion

The Landlord's Application is adjourned to the date and time provided on the enclosed Notice of Reconvened Hearing. The Landlord is not required to serve the Tenant with a copy of the enclosed Notice of Reconvened Hearing. The Notices will be mailed out by the Residential Tenancy Branch.

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: May 05, 2015

Residential Tenancy Branch

