



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

MND; MNR; MNSD; MNDC; FF

Introduction

This is the Landlords' Application for Dispute Resolution a monetary award for unpaid rent and damages; compensation for damage or loss under the Act, regulation or tenancy agreement; to apply the security deposit towards their monetary award; and to recover the cost of the filing fee from the Tenants.

The Landlords testified that they served each of the Tenants with the Notice of Hearing documents by registered mail. They were uncertain as to the date that they mailed the documents and did not provide a copy of the registered mail receipts; however, the Tenants acknowledged receiving the Landlords' Notice of Hearing package by registered mail some time in December, 2014.

The Landlords also provided late documentary evidence. The Tenant CH acknowledged receipt of the documentary evidence "1 ½ weeks ago" by registered mail.

CH stated that she and the Tenant GH are separated and that GH's copies of documents were sent to GH at CH's address. The Landlords stated that the Tenants did not provide a forwarding address and that it took them "until October 1, 2014" to find them. They submitted that they served the Tenants with copies of their documents in accordance with the service provisions of the Act and within the time limits set out in the Rules.

The Tenants provided 229 pages of evidence and a USB stick in evidence on July 20, 2015. CH testified that the Landlords were served with the documentary and electronic evidence by process server on July 20, 2015.

The Tenants' evidence appears to be mostly with respect to a monetary claim that the Tenants believe they have against the Landlords. I asked the Tenants if they had filed an application for a monetary order and they stated that they had not.

Pursuant to the provisions of Rule 3.1, applicants must serve respondents with the Notice of Hearing package and copies of their documentary evidence within 3 days of

the Hearing package being made available by the Residential Tenancy Branch. Evidence that is not available to the applicant at the time of filing its application for dispute resolution must be served as soon as possible.

I find that the Landlords did not comply with Rule 3.1 with respect to their documentary evidence. I also find that, contrary to Rule 3.15, the Tenants did not serve the Landlords with their documentary and electronic evidence within 7 days of the Hearing and therefore in enough time for the Landlords to prepare for the Hearing.

In the interest of fairness to both parties, I adjourned the Hearing to a date to be determined. I ordered the Landlords to re-serve the Tenant GH at his address for service. The Tenant GH stated that if the Landlords sent the documents to CH's address, he would be sure to communicate with CH and pick them up from her. CH did not object.

This Hearing has commenced and therefore, pursuant to the provisions of Rule 3.19 **no further documentary or electronic evidence may be submitted by either party. The Tenants are at liberty to file their own application for dispute resolution for damages, but it will not be scheduled as a cross application to the Landlords' Application.**

This matter is adjourned to the date and time provided on the enclosed Notice of Reconvened Hearing. **I hereby make it mandatory for the parties to attend on the date when the dispute resolution proceeding will be reconvened. If a party does not attend the reconvened dispute resolution proceeding at the scheduled time, the reconvened Hearing will commence and a decision or order may be made in that party's absence.**

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: July 28, 2015

Residential Tenancy Branch

