



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNR, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for a monetary award and an order to retain the security deposit. The hearing was conducted by conference call. The landlord and the tenant called in and participated in the hearing.

Preliminary Decision

At the outset of the hearing the tenant advised that she has filed an application that she believed had been set for hearing as a cross application at the same time as the landlord's application. The tenant provided me with the file number for her application and I consulted the Residential Tenancy Branch information concerning her claim. The file records show that the tenant's application was not joined to be heard with the landlord's application because it was filed too late to be joined. Voice messages were left for the tenant to advise her that the Notice of Hearing was ready for her to pick up and serve upon the landlord. The tenant's application has been set for hearing by conference call on January 27, 2016 at 1:00 P.M. The tenant must pick up the hearing letters and serve the landlord with the Notice of Hearing and with her application and all supporting evidence.

There was no documentary evidence in the landlord's file in support of his claims. The landlord testified that he submitted documents to support his claim, including a copy of the tenancy agreement and information including photographs showing the condition of the rental unit. The landlord said they were sent by fax. The tenant acknowledged that she received evidence from the landlord.

Because the landlord's evidence was not available, even though it as apparently sent to the Residential Tenancy Branch, I determined that I could not proceed with the hearing of his claim. I told the parties at the hearing that the landlord's claim would be adjourned to be heard together with the tenant's claim on January 27, 2016 at 1:00 P.M.

The Residential Tenancy Branch will send a Notice of Hearing to each party to advise them of the new hearing date for the landlord's application. The landlord must re-submit all his evidence to the Residential Tenancy Branch and to the tenant as soon as possible, together with any new evidence that he may wish to submit in response to the tenant's claim.

Conclusion

The hearing has been adjourned to be heard by conference call on January 27, 2016 at 1:00 P.M.

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: August 12, 2015

Residential Tenancy Branch

