



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MND, MNR, MNSD, FF

Introduction

This hearing was scheduled to deal with a landlord's application for a Monetary Order for damage to the rental unit or property; unpaid rent or utilities; and, authorization to retain all or part of the security deposit. Both parties appeared at the scheduled hearing.

With respect to service of hearing documents, the landlord testified that the hearing documents were given to the tenant's spouse at the tenant's address of residence on February 9, 2015. The tenant testified that the hearing documents were left on the front steps of his residence.

Where a party files a monetary claim against the other party, section 89(1) of the Act requires that the applicant must serve the respondent in person or by registered mail or as ordered by the Director. Giving documents to a person's spouse or leaving the documents at the respondent's residence is not a permissible method of service for a monetary claim.

Although the parties were in dispute as to the method the hearing documents were given, I found it unnecessary to further explore this inconsistency and I deemed the tenant sufficiently served with the hearing documents under section 71 of the Act, with the exception of the one he claims he did not receive, considering:

- the tenant stated that he wished to proceed with the hearing; and,
- I confirmed the tenant was in receipt of the documents that the landlord had provided to the Branch with the exception of one.

As the hearing progressed, the landlord referred to photographs that he stated had been sent to the Branch as evidence for this case. I did not have any photographs before me yet there was an indication on file that photographs were being provided to the Branch. The tenant confirmed that he had received photographs with the hearing

documents given by the landlord. The landlord stated the photographs were very relevant to his case. As such, I determined it necessary and appropriate to order the following:

1. The hearing be adjourned and reconvened on a later date;
2. Within seven days, the landlord is to (re)serve upon the Branch the same photographs that were provided to the tenant.

Other than the photographs referred to above, no other evidence was requested and neither party was given any authorization to submit any other evidence during the period of adjournment.

Notices of Adjourned Hearing are to be sent to both parties by the 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: August 19, 2015

Residential Tenancy Branch

