



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION – REVIEW HEARING**

Dispute Codes      OPR MNR MNDC FF

### Introduction

The original hearing in this matter, on August 27, 2015, dealt with the landlord's application for an order of possession and a monetary order. On that date the landlord attended but the tenant did not. The landlord's application was successful, and the landlord was granted an order of possession and a monetary order.

On September 2, 2015 the tenant applied for a review consideration. The tenant's application was granted, and I convened the review hearing on November 12, 2015. The tenant and the landlord participated in the teleconference hearing.

At the outset of the hearing the tenant stated that she had vacated the rental unit mostly vacated the unit, and I therefore confirmed the order of possession dated August 27, 2015. The landlord must re-serve the tenant with the order of possession.

### Preliminary Issue – Service of Evidence

The tenant stated that she personally served all of her evidence on the landlord. The landlord denied receiving the tenant's evidence.

The landlord stated that he personally served the tenant with all of his evidence, including a new monetary order worksheet claiming a higher amount, on October 19, 2015. The landlord submitted a document purportedly signed by the tenant, confirming that the tenant received the landlord's full hearing package. The tenant denied receiving the landlord's evidence or signing a document to confirm that she received it.

I determined that it was appropriate to adjourn the monetary portion of the claim, and allow the parties an opportunity to re-serve each other with their evidence. Additionally I advised the landlord that if he wishes to claim a higher monetary amount, he must

properly amend his application as per the Rules of Procedure and serve the tenant with a copy of the amendment.

### Conclusion

The monetary portion of the review hearing is adjourned to the date and time set out in the notice of reconvened review hearing, to follow. The monetary order dated August 27, 2015 remains suspended at this time.

The landlord must re-serve the tenant with the order of possession dated August 27, 2015, and the tenant must return vacant possession of the unit to the landlord two days after she is served or deemed served with the order of possession.

In the hearing the tenant provided a new address for service. I have recorded that address on the cover page of this decision.

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: November 12, 2015

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Residential Tenancy Branch

