



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

ERP; OLC; PSF; RP; MNDC; FF

Introduction

This is the Tenants' Application for Dispute Resolution made October 9, 2015, seeking Orders that the Landlord comply with the Act, regulation or tenancy agreement, made emergency and regular repairs to the rental unit, and to provide services or facilities required by law; and to recover the cost of the filing fee from the Landlord. On October 15, 2015, the Tenants amended their Application to include a request for compensation for damage or loss. They noted on the amendment the amount that they were requesting, but did not add the "dispute code" to their Application. The Landlord acknowledged that she understood that the Tenants were seeking compensation and therefore, the Tenants' Application was amended to include the dispute code "MNDC".

The parties gave affirmed testimony at the Hearing.

The Tenants testified that they mailed the Notice of Hearing documents by registered mail, including the amended Application, to the Landlord on October 15, 2015. They testified that they also mailed their documentary evidence to the Landlord by registered mail on November 12, 2015.

The Tenants stated that they moved out of the rental unit on October 18, 2015. The Landlord stated that she was unable to serve the Tenants with her documentary evidence, which was provided to the Residential Tenancy Branch on November 26, 2015, because the Tenants had not given her an address for service. The Tenants provided an address for service at the Hearing, which the Landlord took note of, and the electronic filing system was updated to reflect the Tenants' new address.

Since the tenancy has ended, the only remaining matter on the Tenants' Application is their request for monetary compensation. The remainder of their claim is dismissed. I heard none of the merits of the Tenants' Application for compensation.

The parties agreed to adjourn the matter in order for the Landlord to serve the Tenants with copies of her documentary evidence. The Tenants testified that they are expecting

a baby on or about February 10, 2015. The Landlord testified that she is scheduled for surgery on December 11, 2015, and that the recovery process will take 3 months.

I adjourned the Tenants' Application for monetary compensation to a date to be determined, after March 11, 2016. I ordered the Landlord to serve the Tenants with her documentary evidence that she provided to the Branch on November 26, 2015. **The Landlord must serve the Tenants with these documents within 3 days of receipt of this Interim Decision.**

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.**

This matter is adjourned to the date and time provided on the Notice of Reconvened Hearing, two copies of which are provided to the Tenants with this Interim Decision. **I hereby Order the Tenants to serve the Landlord with the enclosed Notice of Reconvened Hearing using a method of service provided in Section 89 of the Act.**

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 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: December 16, 2015

Residential Tenancy Branch

