



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute codes** MNSD MNDC FF

### **Introduction**

The applicant tenant made application September 04, 2015 for a Monetary Order for damage or loss under the Act and for the return of their security deposit. Both parties appeared in this matter. Although the respondent landlord submitted evidence, the hearing file was absent of document evidence from the applicant tenant - purported by them to have been submitted in September 2015. The landlord stated they may have received evidence from the tenant relevant to this matter; however, they were solely in possession of evidence from a previous hearing of the landlord's application, heard in September 2015.

### **Analysis and Conclusion**

**Residential Tenancy Branch Rules of Procedure 3.18**, states as follows:

#### **3.18 Evidence not received by the Arbitrator**

The Arbitrator may adjourn a dispute resolution hearing to receive evidence if a party can show that the evidence was submitted to the Residential Tenancy Branch directly or through a Service BC office for the proceeding within the required time limits, but was not received by the Arbitrator before the dispute resolution hearing.

I am not in possession of evidence from the tenant. I have not been provided proof the tenant submitted evidence to this hearing. As a result, I decline to adjourn the matter. None the less, I dismiss the tenant's application *with leave to reapply*. It must be noted that leave to reapply is not an extension of any applicable limitation period.

*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: March 09, 2016

---

Residential Tenancy Branch