



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

On November 13, 2016, the Landlord submitted an Application for Dispute Resolution requesting a monetary order for damage to the unit; for money owed or compensation for damage or loss; to keep all or part of the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing at 1:30 p.m. on this date. Both the Landlord and Tenant attended the teleconference.

Both parties were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary and Procedural Matters

The Residential Tenancy Branch Rules of Procedure states that the applicant must within 3 days of the hearing package being made available by the Residential Tenancy Branch; serve each respondent with copies of their evidence. Any other evidence must be submitted as soon as reasonably possible. If an Arbitrator determines that a party unreasonably delayed the service of evidence, the arbitrator may refuse to consider the evidence.

The Landlord testified that she served the Tenant with the Notice of Hearing on November 23, 2015, by registered mail. The Landlord testified that she did not serve the Tenant with her evidence at that time because she needed to complete cleaning and repairs of the rental unit and did not have all of the receipts ready. She testified that she sent the Tenant a copy of her evidence using express mail on June 7, 2016.

The Tenant testified that she only received the Landlord's evidence six days before the hearing and that the evidence is confusing and she has not had enough time to consider the Landlord's evidence and respond.

Both parties were informed of the Residential Tenancy Branch Rules of Procedure with respect to the organization of evidence and the service of evidence. The Parties were encouraged to make themselves familiar with the Rules of Procedure.

The parties were informed that the hearing could be adjourned to provide the parties more time to consider the evidence and respond, or the Landlord could withdraw her application with leave to reapply at a future date.

The Landlord asked to withdraw her application.

The Landlords application is withdrawn and the Landlord is granted leave to reapply at a later date. This is not an extension of any statutory deadline.

Conclusion

The Landlord withdrew her application and is granted leave to reapply.

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: June 20, 2016

Residential Tenancy Branch