



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *MNR*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for a monetary order to recover unpaid rent, cost of using a bailiff, compensation for harassment and for the loss of a potential sale of the rental property. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

The tenant acknowledged receipt of evidence submitted by the landlord and stated that she had sent her evidence to the landlord by regular mail at the end of September. The landlord denied having received the tenant's evidence. Therefore the tenant's evidence was not considered during the hearing. Both parties gave affirmed testimony.

These parties had attended a prior hearing in response to the tenant's application. In a decision dated July 07, 2016, a monetary order was issued to the tenant. The landlord stated that this is being taken care of by his lawyer and amounts owed by the tenant for bailiff's fees will be deducted from the settlement. The landlord stated that all his paper work to support his claim was with his lawyer and would be available to him in December 2016. Since the landlord had not received the tenant's evidence and did not have access to his evidence, I dismiss the landlord's claim with leave to reapply.

Conclusion

The landlord's application is dismissed with 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: November 03, 2016

Residential Tenancy Branch

