



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MNDC, MNSD, RPP, OPC, MND, FF

### Introduction

In the first application the tenants seeks to recover deposit money and damages for assault and for her children having witnessed the assault.

In the second application the landlord seeks damages for loss of rental income and for cleaning and repair of the premises.

The landlord filed a significant amount of evidentiary material two days before the hearing. The tenant has just received it and indicates that she wishes to respond to it.

It was my decision to set this matter over to allow the tenant an opportunity to consider and reply to the landlord's evidence.

The tenant was given the option of having this matter adjourned to a date when I am next available or to have the applications withdrawn/dismissed, with leave to re-apply. It is possible that an earlier date will be available with a different arbitrator and so the tenant chose the latter.

The landlord did not disagree but is opposed to having to pay an additional filing fee. I therefore refrain from allowing or dismissing the landlord's claim for recovery of the filing fee and, if the landlord claims this filing fee in her re-application, I leave the question of its recovery to the discretion of the next arbitrator.

The tenant paid no filing fee.

In result, both applications are 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 09, 2016

---

Residential Tenancy Branch

