



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION – REVIEW HEARING

Dispute Codes MNSD

Introduction

This matter first convened before me on October 28, 2016, pursuant to the tenants' application for recovery of the security deposit. The landlord did not appear in the teleconference hearing, and based on the evidence before me I granted the tenants double recovery of the security deposit.

The landlord applied for a review consideration and their application was granted. The landlord was instructed in the review consideration decision to serve a copy of the review consideration decision and notice of the review hearing on the tenants. The tenants were also ordered to serve the landlord with their original application and all accompanying evidence on the landlord.

Issue – Service of Notice of Review Hearing on Tenants

The review hearing convened before me on January 12, 2017. The landlord called in to the teleconference hearing but the tenants did not. The landlord stated that they were unable to serve the tenants with notice of the review hearing because they had never been given the tenants' forwarding address.

I determined that it was appropriate to adjourn the review hearing to provide the landlord with the tenants' service address and allow the landlord to serve the tenants with the notice of review hearing and all other necessary documents.

Within three days of receiving this interim decision, the landlord must serve the tenants, at the service address provided on the cover page of this decision, with the following:

- a) notice of the time and date of the reconvened review hearing;
- b) a copy of this interim decision;
- c) a copy of the review consideration decision; and
- d) a copy of any evidence the landlord intends to rely on in the review hearing, including any evidence that they included in their review consideration application and that they wish to rely on in the reconvened review hearing.

I note that any evidence that the landlord submitted for the review consideration application and that the landlord serves on the tenants does not have to be re-served on the Branch. Any additional evidence that the landlord intends to rely upon must be served on the tenants and the Branch.

I also direct the tenants' attention to the order issued in the review consideration decision, which instructs the tenants to serve the landlord with a copy of their original application and evidence. The tenants must comply with this order.

All evidence must be served in accordance with the Rules of Procedure.

Conclusion

The review hearing is adjourned to the time and date set out in the accompanying notice of hearing.

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: January 12, 2017

Residential Tenancy Branch