



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNDC MNR MNSD FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on November 9, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property; and
- a monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent;
- an order that the Landlord be permitted to apply the security deposit held to any monetary award granted; and
- an order granting recovery of the filing fee.

The Landlord and the Tenant B.M. attended the hearing at the appointed date and time.

The Landlord stated that the Application package was served on the Tenants by registered mail on November 20, 2018. Although B.M. acknowledged receipt of the Notice of Dispute Resolution Hearing, she advised the Tenants did not receive any documentary evidence with the package. The Landlord acknowledged the documentary evidence upon which he relies was not served on the Tenants.

In addition, B.M. stated the Tenants do not have the documentary evidence upon which they would like to rely. B.M. advised that the Landlord was granted an order of possession on October 18, 2018. The file number of the related decision is included above for ease of reference. In response to the decision, the Tenants submitted an application for review consideration, which was received at the Residential Tenancy Branch on November 2, 2018. B.M. indicated the application for review consideration included originals of the documents being relied upon. However, the application did not proceed as the Tenants did not pay the required fee. B.M. advised that she spoke with

an information officer who confirmed the original documents would be returned to her. Notes in the Residential Tenancy Branch case management system, dated November 7, 2018, and March 5, 2019, confirm the Tenants' application for review consideration materials was returned to them via post on November 7, 2018.

The Landlord confirmed he did not serve the documentary evidence upon which he intends to rely on the Tenants. B.M. stated the Tenants have not yet received the documents previously submitted to the Residential Tenancy Branch. Balancing the interests of the parties, I find it is appropriate in the circumstances to dismiss the Application with leave to reapply. This is not an extension of any statutory deadline.

The parties' current addresses for service of the new application package and documentary evidence were provided aloud during the 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: March 14, 2019

Residential Tenancy Branch