



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H&L Condo Services Inc.
and [tenant name suppressed to protect
privacy

INTERIM DECISION

Dispute Codes MNDL-S, MNDCL-S, MNRL-S, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a Monetary Order for unpaid rent, pursuant to sections 26 and 67;
- a Monetary Order for damage or compensation, pursuant to section 67;
- a Monetary Order for damage, pursuant to section 67;
- authorization to retain the tenants' security and pet damage deposits, pursuant to section 38; and
- authorization to recover the filing fee from the tenants, pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 1:41 p.m. in order to enable the tenants to call into this teleconference hearing scheduled for 1:41 p.m. The property manager and assistant property manager attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the property manager, assistant property manager and I were the only ones who had called into this teleconference.

Preliminary Issue- Adjournment

The property manager testified that the evidence to support the landlord's claim was uploaded to the residential tenancy branch on February 6, 2020; however, only one document appears in the online Dispute Management System (DMS). The property manager testified that their evidence is missing, through no fault of their own.

DMS is a new Residential Tenancy Branch System that was launched shortly after the property manager testified that all the landlord's evidence was uploaded. The property manager testified that all the landlord's evidence was sent to the tenant via registered mail; however, the property manager did not have the tracking numbers with her and could not provide them to me in the hearing.

The property manager testified that she served the tenant with the landlord's application for dispute resolution via registered mail on February 6, 2020 but did not have the tracking number in front of her for this hearing. The property manager testified that the registered mail receipt for the above package was entered into evidence with the other missing documents.

Out of an abundance of caution, and in case the new system launch was in anyway responsible for the missing evidence, I adjourned this hearing to another date. I provided the landlord 48 hours to upload evidence to the Residential Tenancy Branch. I advised the property manager that the only evidence which is permitted to be uploaded is the evidence served on the tenants.

I caution the landlord at the next hearing to provide proof of service of the landlord's application for dispute resolution and proof of service of the landlord's evidence package on the tenants. The tracking numbers for all registered mail should be made available at the next hearing.

Conclusion

Based on the above:

- **I order** this hearing will be reconvened in accordance with the Notice of Hearing documents attached to this Interim Decision;
- **I order** that this is not an opportunity for either party to amend their existing Applications for Dispute Resolution;
- **I order** that this is not an opportunity for either party to submit an additional Application for Dispute Resolution to be crossed or joined with any of the Applications for Dispute Resolution currently before me;
- **I order** that the landlord is permitted to upload all evidence served on the tenant prior to this 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 19, 2020

Residential Tenancy Branch