



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL PACIFIC REALTY CORPORATION
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenants on September 29, 2014 to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement and to recover the cost of the filing fee from the Landlord for this application.

The hearing convened on May 5, 2014 at 9:00 a.m. for 69 minutes and was conducted via teleconference. The Landlord and both Tenants were in attendance and each person gave affirmed testimony.

At the outset of the hearing I explained how the hearing would proceed and the expectations for conduct during the hearing, in accordance with the Rules of Procedure. Each party was provided an opportunity to ask questions about the process however, each declined and acknowledged that they understood how the conference would proceed.

Background and Evidence

Upon review of service of documents the Landlord testified that he received a copy of the Tenants' application for Dispute Resolution, the Notice of Hearing document, and the dispute resolution facts sheet. The Landlord submitted that he had not received any documentary evidence from the Tenants.

The Tenants submitted that they recalled serving the Corporate Landlord and the property manager with separate copies of the documents they were told to send them by the Residential Tenancy Branch (RTB). They could not provide testimony as to how or when the copies of their documentary evidence were served to upon the respondents.

After consideration of the forgoing, the Tenants testified that they wished to proceed with the hearing as scheduled, based on their oral submissions.

When the Tenants were finished their oral submission and explaining the 10 items they were seeking monetary compensation for, the Landlord was given the opportunity to respond if he agreed to any of the items being claimed by the Tenants.

After going through the list of items claimed by the Tenants the Landlord requested that the Tenants send him copies of the receipts for the items being claimed, after the hearing, and that he be allowed to view those documents before a decision was made.

I explained to the parties that if I granted the Landlord's request then this proceeding would convert to written submissions as per my explanation during the hearing. The parties all agreed to convert this hearing to written submissions, based on my instructions listed below, at which time the Tenants requested confirmation that this process would still result in an arbitrated decision issued by me and not a settlement agreement.

Analysis

Section 74 of the Act provides how a dispute resolution hearing may be conducted and stipulates that the director may conduct a hearing under this Division in the manner he or she considers appropriate. The director may hold a hearing in person, in writing, by telephone, video conference or other electronic means, or by any combination.

The principals of natural justice provide that each party to a dispute must be given the opportunity to present evidence in support of their own application and respond to submissions made by the other party.

As indicated above, the parties mutually agreed to convert this matter to written submissions to allow the Tenants to serve the Landlord with copies of their evidence.

Service of Documents required for the Written Proceeding

- (1) The **Tenants** are HEREBY ORDRED to serve identical packages of evidence to the Residential Tenancy Branch (RTB) and to the Landlord by registered mail, as soon as possible and no later than **May 20, 2015**. Copies of the Canada Post tracking receipts must be submitted to the RTB.
- (2) The **Landlord** must serve their written response to the Tenants' monetary claim, to the RTB and the Tenants, by registered mail, as soon as possible and no later than **June 10, 2015**. Copies of the Canada Post tracking receipts must be submitted to the RTB.

- (3) The Tenants must serve their final written summation to the RTB and the Landlord, as soon as possible and no later than **June 19, 2015**, as specified above.

Any evidence or written submissions served or received that does not meet the requirements of the above Orders, will NOT be considered, pursuant to section 62 of the Act.

Conclusion

I HEREBY Order that this proceeding be adjourned to a **written hearing** which will be conducted on **June 29, 2015**, pursuant to section 74(2)(b) of the Act.

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: May 04 **05**, 2015

Residential Tenancy Branch

CORRECTED: June 29, 2015

