



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Aldridge Custom Homes
and [tenant name suppressed to protect privacy]

INTERIM DECISION

Dispute Codes

ERP; LAT; LRE; OLC; FF

Introduction

This is the Tenants' Application for Dispute Resolution made April 11, 2018, seeking an Order that the Landlord comply with the Act and make emergency repairs to the rental unit; authorization to change the locks on the rental unit; an Order suspending or setting conditions on the Landlord's right to enter the rental unit; and to recover the cost of the filing fee from the Landlord.

Both of the parties attended and gave affirmed testimony at the Hearing which took place by teleconference. The hearing process was explained and the parties were given an opportunity to ask questions about the process.

The Tenants testified that they hand delivered the Notice of Hearing documents and copies of their documentary evidence to the Landlord's agents on April 16, 2018, at 6:00 p.m. The Landlord's agents acknowledged receipt of the documents on that date and in that manner.

The Landlord's agent JL stated that she hand delivered the Landlord's documentary evidence, a 60 page Affidavit, to the Tenants on May 5, 2018. The Tenants stated that they did not receive the Affidavit and only received a Notice of Hearing for an Application being made by the Landlord on June 21, 2018. That Hearing is set to consider the Landlord's application for an order of possession for cause. JL testified that she handed the Tenants an envelope, but that she did not know what was inside the envelope.

The Tenants stated that they have rot in the walls of the rental unit due to water damage and that there are insects living in the walls and in the plumbing in the bathroom. The Tenants stated that the switch for the furnace is corroded.

I ordered the Landlord to re-serve the Tenants with their documentary evidence and to be prepared to have a witness testify who could confirm what documents were served. I had also initially advised the parties that the matter was adjourned to be heard with the Landlord's Application on June 21, 2018; however, on reflection I have decided that the matter should reconvene at an earlier date.

Therefore, **I ORDER that:**

- 1) The Landlord serve the Tenants with their documentary evidence as described above within 2 days of receipt of this Interim Decision. NO FURTHER DOCUMENTARY EVIDENCE WILL BE ACCEPTED BY EITHER PARTY.**
- 2) This matter is adjourned to 9:30 a.m., May 31, 2018. A Notice of Reconvened Hearing accompanies each party's copy of this Interim Decision.** Neither party is required to serve the other with this Notice of Reconvened Hearing.

For clarification, the Reconvened Hearing on May 31, 2018, will deal with the Tenant's Application only. **The Landlord's Application for an Order of Possession will be heard on June 21, 2018 at 11:00 a.m., as previously scheduled.**

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 25, 2018

Residential Tenancy Branch