DECISION

Dispute Codes   MNDC FF O

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order to recover the cost of utilities paid by the Tenant but that were to be included in the Tenant's lease and to recover the cost of the filing fee from the Landlord for this application.

Service of the hearing documents, by the Tenant to the Landlord, was done in accordance with section 89 of the *Act*, sent via registered mail on April 6, 2009. Mail receipt numbers were provided in the Tenant's documentary evidence. The landlord was deemed to be served the hearing documents on April 11, 2009, the fifth day after they were mailed as per section 90(a) of the *Act*.

Preliminary Issues

The Landlord's Agent attended the hearing to request an adjournment to a date after August 15, 2009 as the Landlord is currently out of the Country. The Agent provided proof that the Landlord left the Country April 3, 2009, three days prior to when the Tenant's application was filed, and will not be returning until August 15, 2009.

The Agent confirmed that he assists the Landlord with maintenance and operational issues at the rental properties however the Agent does not have access to the Landlord's financial records or files to supply the documentary evidence in the Landlord's defence.

As the Tenant's application is for a Monetary Order against the Landlord, I hereby find that an adjournment is warranted in this case to ensure that all parties are given the opportunity to be able to defend their rights.

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Conclusion

I HEREBY ADJOURN this hearing to reconvene on a date after August 15, 2009. All parties will be sent a notice advising them of the date and time of the reconvened 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: July 07, 2009.

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Dispute Resolution Officer