

INTERIM DECISION

Dispute Codes: MNR, MNDC, MNSD and FF

Introduction

These applications were brought by both the landlord and the tenant.

By application of September 21, 2009, the landlord sought a Monetary Order for unpaid rent, loss or damages under the legislation or rental agreement, and recovery of the filing fee for this proceeding.

By application of December 11, 2009, the tenant sought a Monetary Order for loss or damages under the legislation or rental agreement, return of his security deposit and recovery of the filing fee for this proceeding.

Preliminary Matters

At the commencement of the hearing, the tenant expressed an apprehension of bias on the part of the Dispute Resolution Officer on the grounds that the officer had presided over a previous hearing involving the tenant. Following receipt of the decision on the matter, the tenant had written a letter of complaint about the officer to the Director of the Branch giving rise to his concern regarding bias in the present matter.

Conclusion

It is a fundamental principle of administrative justice that a party to a hearing has a right to have the matter heard by an independent and impartial decision maker. The landlord argued that his own claim is prejudiced by the delay.

Given that the tenant has presented reasonable grounds in support of an apprehension of bias, I find that preserving the perception of an independent and impartial decision maker is overriding and that I must absent myself from hearing this dispute.

Taking into account the landlord's advice that he will be unavailable until after March 15, 2010, this hearing will reconvene at a time and date set out in the accompanying Notice of Hearing.

February 8, 2010