

## **DECISION**

Dispute Codes      MNR, MNSD, (MNDC), FF

### Introduction

This matter dealt with an application by the Landlord for a monetary order for unpaid rent and utilities, to recover the filing fee for this proceeding and to keep the Tenants' security deposit in partial payment of those amounts. The hearing of this matter was originally scheduled for April 15, 2010 however it was adjourned that date because the Landlord left the conference call unexpectedly. A brief, interim decision containing directions was issued on the same date. The hearing was reconvened and new hearing notices were mailed to both Parties.

At the commencement of this (the reconvened) hearing, the Landlord's agent said that she had no personal knowledge of this matter and was therefore not prepared to deal with it and as a result, she sought another adjournment of the hearing. The Tenants objected to a further adjournment. Given that the Landlord's application was already adjourned once to accommodate the Landlord and given further that the Landlord has had reasonable notice of the reconvened hearing date and therefore sufficient time to prepare an agent for the hearing, I declined to grant the adjournment application.

However, the Tenants agreed to the Landlord's application being dismissed with leave to reapply and the Landlord's agent also consented to this rather than to proceed with the hearing. Before the hearing ended, both parties were advised by the Dispute Resolution officer that while the Landlord had two years from the end of the tenancy to re-apply for the relief claimed on his application, different rules and time limits apply under the Act with respect to any security deposit held by the Landlord. Consequently, both Parties were encouraged to obtain further information from the Residential Tenancy Branch on that issue.

### Conclusion

The Landlord's application to recover the filing fee for this proceeding is dismissed without leave to reapply. The balance of the Landlord's application is dismissed with leave to reapply. 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: June 07, 2010.

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