

## **DECISION**

**Dispute Codes:** MNR, MND, MNSD and FF

### **Introduction**

This application was brought by the landlord seeking a Monetary Order for unpaid rent, damage and loss, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against any balance found owing.

### **Issues to be Decided**

This application requires a decision on whether the landlord is entitled to a Monetary Order for unpaid rent and the damage claims presented based on whether the damage or losses are proven, whether they are attributable to the tenant, whether the amounts claimed are fair and substantiated, and whether the landlord has acted reasonably to minimize the claimed costs.

## **Request for Adjournment**

At the commencement of the hearing, the tenant's representative requested that the hearing be adjourned on the grounds that the tenant was unable to attend due to circumstances beyond his control, specifically, a speaking engagement at a professional conference in the United States.

The tenant's representative gave evidence that the tenant had written to the landlord requesting his consent to the adjournment. While the landlord acknowledged receipt of the request, he had not replied to it.

In considering a request for adjournment made by a party's representative at hearing, I am directed to take into account:

1. Submissions of the parties;
2. Whether adjournment will contribute to the resolution of the matter;
3. Whether adjournment contributes to a fair opportunity to be heard;
4. The degree to which the request comes from the action or neglect of the party requesting it;
5. Possible prejudice to either party.

Having considered those factors, I allow the request for adjournment and seek a time other than the first week of June as requested by the tenant, and later than May 15, 2010, as requested by the landlord.

The hearing will reconvene at a date and time set out in the enclosed Notice of Hearing.

The parties are reminded that they must provide any additional evidence to the branch and to one another to be received at least five business days in advance of the reconvening of this hearing.

The tenant is cautioned that, having been granted an adjournment, if he or a representative does not appear when the hearing reconvenes, it will in all probability proceed in his absence.

April 30, 2010