



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNDC

Introduction

This matter was originally scheduled for hearing on July 20, 2010, however on that date the Landlord's counsel was granted an adjournment. The reasons for granting that adjournment application were set out in a Decision that I issued on July 20, 2010.

Given the concerns of the Tenant that the Landlord had unreasonably delayed in seeking a hearing of her Judicial Review application (regarding a previous application by the Landlord), I ordered the Landlord to provide written confirmation of the date set for the hearing of her Judicial Review application *no later than August 3, 2010*. On or about July 30, 2010, counsel for the Landlord submitted a letter to the Residential Tenancy Branch in which he claimed that he was unable to obtain a Supreme Court hearing date by August 3, 2010 and he sought an amendment of the Order permitting him to provide written confirmation at an unspecified time after August 11, 2010.

On August 9, 2010, the Tenant's agent provided a copy of an e-mail purportedly sent to counsel for the Landlord in which he opposed the Landlord's request to amend the Order made on July 20, 2010 as he argued that counsel for the Landlord was unable to obtain a hearing date by August 3, 2010 due to his own neglect.

I find that there is no compelling reason that would warrant amending the Order made on July 20, 2010 especially given that the Landlord has had more than 7 months to apply for a hearing date since filing her Petition for Judicial Review. Consequently, this matter is reconvened to **October 19, 2010 at 9:00 a.m.** for a 3 hour hearing. Notices of the reconvened hearing confirming the date, time and dial-in codes will be mailed to each of the Parties under separate cover.

Conclusion

The Landlord's application to extend the time to comply with the Order made July 20, 2010 is dismissed. The Tenant's application is adjourned to October 19, 2010 at 9:00 a.m. for 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: August 09, 2010.

Dispute Resolution Officer