



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

INTERIM DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy issued for cause.

The Landlords and a friend of the Tenant appeared at the hearing; however, after the parties were affirmed into the hearing, the friend of the Tenant announced the Tenant was unable to attend the hearing as she had been admitted into the hospital 4 days prior.

The friend testified that she did not know how long the hospital stay would be, but the recent death of her mother precipitated the hospital admission.

The friend testified that she was somewhat familiar with the allegations, but was not the Tenant's agent, was not authorized by the Tenant and was uncomfortable in giving the Tenant's presentation.

The Landlords did not dispute that the Tenant was in the hospital.

Issue(s) to be Decided

Is the Tenant entitled to an Order to cancel the notice to end tenancy under section 47 of the *Residential Tenancy Act*?

Analysis

Section 6.3 of the Rules of Procedure gives the Dispute Resolution Officer authority to adjourn the dispute resolution proceeding to a later time on the Dispute Resolution Officer's own initiative.

I find that to continue with the proceeding while the Tenant was confined to the hospital would unduly prejudice the rights of the Tenant to defend the Notice to End Tenancy.

Therefore I order the hearing be adjourned and scheduled to reconvene in accordance with section 64 of the *Residential Tenancy Act*.

Additional documentary evidence will not be accepted from either party in support of this claim, with the exception of a copy of the One Month Notice to End Tenancy for Cause which is the subject of this proceeding and the Tenancy Agreement between the parties. Otherwise, consideration will be given to the documentary evidence received five business days prior to October 28, 2010.

Conclusion

This hearing is adjourned to the date specified in the enclosed Notice of Adjourned 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: October 28, 2010.

Dispute Resolution Officer