



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **INTERIM DECISION**

Dispute Codes      OLC O FF

### Preliminary Issue

At the onset of the hearing the Landlord requested an adjournment. He stated that he only received the hearing documents two days ago, January 5, 2011 and has not had an opportunity to respond and retain his lawyer. He will be out of town for the next couple of weeks and requested a reconvened hearing date towards the end of February 2011.

The Tenant was opposed to the adjournment request. She argued that when she filed her application she was given this hearing date and was told as long as she served the Landlord within three days of making her application she could proceed. She requested to have this matter heard as soon as possible.

### Issue(s) to be Decided

1. Should this hearing be adjourned and reconvened at a later date?

### Background and Evidence

The Tenant filed her application December 30, 2010 and served the Landlord with the Notice of a Dispute Resolution Hearing via registered mail on December 31, 2010. The Landlord advised he did not receive the hearing documents until January 5, 2011, two days ago, and he has not had an opportunity to prepare his response or retain legal counsel.

### Analysis

Section 6.4 of the *Residential Tenancy Branch Rules of Procedure* provides the following criteria for granting an adjournment:

Without restricting the authority of the Dispute Resolution Officer to consider other factors, the Dispute Resolution Officer must apply the following criteria when considering a party's request for an adjournment of the dispute resolution proceeding:

- 1) the oral or written submissions of the parties;
- 2) whether the purpose for which the adjournment is sought will contribute to the

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resolution of the matter in accordance with the objectives set out in Rule 1 [objective and purpose];

3) whether the adjournment is required to provide a fair opportunity for a party to be heard, including whether a party had sufficient notice of the dispute resolution proceeding;

4) the degree to which the need for the adjournment arises out of the intentional actions or neglect of the party seeking the adjournment; and

5) the possible prejudice to each party.

After careful consideration of the Landlord's oral request I found granting the adjournment would uphold the principles of Natural Justice as it would allow the respondent Landlord a fair opportunity to respond.

Both parties were advised to ensure the service of all evidence they wished to rely on at the hearing was conducted and received by the other party and the *Residential Tenancy Branch* in accordance with the *Residential Tenancy Branch Rules of Procedure*, as soon as possible and at least five clear days prior to the hearing.

## 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: January 07, 2011.

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Residential Tenancy Branch