



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, MNDC, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a monetary order, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee.

The parties appeared at the hearing; however, after the parties were affirmed into the hearing, the issue of the Landlord's Amended application was raised. The Landlord submitted that even though the original application was filed on November 12, 2010, she failed to amend the application and serve the amendment on Tenants until March 1, 2011, by registered mail. The Landlord's evidence indicated that the final claim amount was known to her by the end of December 2010.

Issue(s) to be Decided

Have the Tenants breached the Residential Tenancy Act (the "Act") or tenancy agreement, entitling the Landlord to an order for monetary relief and to recover the filing fee?

Should the hearing continue in light of the Landlord's late amendment of the Application?

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.

Under Section 6.4 (c) I considered whether or not an adjournment was required to provide a fair opportunity for a party to be heard, including whether or not a party had sufficient notice of the dispute resolution hearing.

Therefore, due to the Landlord's delay in amending her Application and serving upon the Tenants, I find that to continue with the proceeding would unduly prejudice the rights of the Tenants to defend the Amended Application.

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

Additional documentary evidence from the Landlord will not be accepted. The Tenants are at liberty to submit evidence in accordance with section 3.5 of the Rules of Procedure received five business days prior to the reconvened 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: March 25, 2011.

Residential Tenancy Branch