



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Interim Decision

Dispute Codes: MNDC, FF

Introduction / Background / Evidence

In response to the tenant's application on August 30, 2010, a hearing in this matter was scheduled for December 29, 2009. Following the landlord's application for an adjournment, the hearing was re-scheduled to January 27, 2010. Following the landlord's second application for adjournment the hearing was re-scheduled to February 22, 2011.

As the landlord was the only party represented at the hearing on February 22, 2011, the tenant's application was dismissed by way of decision of the same date.

Thereafter, on February 23, 2011 the tenant filed an application for review on grounds that he was unable to attend the hearing because of circumstances that could not be anticipated and were beyond his control. By way of decision dated March 23, 2011, the dispute resolution officer granted leave for review and the present hearing was scheduled to commence at 1:30 p.m. on April 14, 2011.

Both parties indicated that while they had received a notice concerning this hearing from the Residential Tenancy Branch (the "Branch,") a copy of the decision on the application for review had not been received. Further, as a preliminary matter, counsel representing the landlord requested a copy of the tenant's application for review.

Section 79 of the Act speaks to **Application for review of director's decision or order**, and provides as follows:

79(3) An application for review of a decision or order of the director

(d) may be made without notice to any other party.

Having considered counsel's request, I decline to provide a copy of the tenant's application for review. However, enclosed with this Interim Decision is a copy of the decision dated March 23, 2011, in which the tenant was granted leave for review.

As a preliminary matter, "AS" drew attention to certain amendments to the tenant's original application.

Finally, as a preliminary matter, counsel for the landlord requested that the tenant's amendments concerning an increase in the amount being claimed not be considered. However, as I am not persuaded that the tenant's amendments prejudice the landlord, counsel's request is denied.

This hearing was adjourned at 3:00 p.m. The parties will be given a further and final opportunity to present oral testimony and undertake cross examination at the hearing scheduled for Wednesday, June 1, 2011, from 9:00 a.m. to 12:00 p.m. (Noon). In this regard, enclosed is a notice of hearing. In the meantime, no further documentary submissions will be accepted from either party.

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*.

DATE: April 27, 2011

Residential Tenancy Branch