



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

The Landlord and Tenants were each given full opportunity to be heard, to present evidence and to make submissions. At the onset of the Hearing, it was noted that no copy of the 10 day Notice to End tenancy for unpaid rent was filed for the Hearing. The Landlord states that this evidence was filed by the Landlord and it is noted that no evidence has been received by this Dispute Resolution Officer. Although the Tenants confirmed that they received this notice, they were unable to confirm details of the Notice as they state that their home was recently broke into and as a result many of their documents are missing. Further, the Tenants state that they had provided post-dated cheques for rent, including a post dated cheque for October 2011 rent to the previous manager and that the monies were taken out of the account. The Landlord states that no deposit was recorded in the Landlord’s books for the October rent. The Tenants requested an adjournment in order to provide evidence of this debit to their account. The Tenants state that their evidence in the form of a bank statement will not be available until the end of this week. The Tenant’s further state that they filed an application to dispute the notice within the 10 day period required by the notice.

Given that an adjournment will provide both Parties will opportunity to file supporting evidence and given that this evidence will contribute to the resolution of the claims, the adjournment is granted.

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: November 15, 2011.

Residential Tenancy Branch