



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes: CNR, FF

Introduction / Background / Evidence

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for unpaid rent / and recovery of the filing fee. Both parties attended and / or were represented at the hearing.

A previous hearing was held in a dispute between these same parties on December 12, 2011, with a decision issued on that same date [file #####]. As a result of the hearing the dispute resolution officer set aside a 10 day notice to end tenancy as it was "not in the form required by the Residential Tenancy Act." Presently, the tenancy continues uninterrupted.

It is understood that subsequent to the previous hearing, a new notice to end tenancy has been issued. However, there is no copy of such a notice in evidence before me. Additionally, legal counsel representing the tenant states that he has not received a copy of the tenancy agreement submitted in evidence to the Residential Tenancy Branch (the "Branch") by the landlord. Further to any aspects of the dispute which may or may not fall within the jurisdiction of the Act, this appears to be a family dispute involving a number of individuals who are related either by way of birth or by marriage.

For reasons arising from the circumstances set out immediately above, in the interests of fairness I find that this hearing must be adjourned and re-scheduled as a face-to-face hearing. In the meantime, the parties are instructed to provide each other with copies of all documentary evidence upon which they intend to rely; this includes documents already provided to the Branch which may not have been provided to the other party, in addition to any new documentation upon which the parties intend to rely. The foregoing exchange must be completed by no later than five (5) days before the date of the re-scheduled hearing.

Finally, pending the re-scheduling, the parties are encouraged to resolve this dispute between them. In the event that the matter is resolved, the parties are requested to inform the Branch in order that the re-scheduled hearing may be cancelled.

Conclusion

Pursuant to the reasons set out above, this conference call hearing is hereby adjourned. Notice of a re-scheduled face-to-face hearing will be mailed to the parties under separate cover.

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 04, 2012.

Residential Tenancy Branch