



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* for an Order Cancelling a Notice to End Tenancy for Cause.

The Tenant did not appear at the Hearing, and at the onset the Tenant's advocate requested an adjournment for two reasons:

1. The Tenant is unable to attend as she has mobility problems and her scooter broke down on the way to the bus;
2. The Tenant was served with the Landlord's evidence yesterday, such evidence consisting of a witness statement and a written submission from the Landlord, and has had no opportunity to review or develop a response.

The Landlord objects to the adjournment as the Landlord states that the matter is urgent and the Landlord wishes to obtain an immediate Order of Possession if successful with the application.

Principles of procedural justice require fair opportunity to Parties to respond to claims and evidence supporting the claims. Further, ending a tenancy is a serious matter. Given the serious nature of the claim, and considering the application of principles of procedural justice, I find that the Tenant is entitled to an adjournment, in particular in relation to the receipt of late evidence being relied upon by the Landlord to end the tenancy. In considering the Landlord's statement that the matter is urgent, it should be noted that even if the adjournment had not been granted, the earliest date for an Order of Possession, if the Notice was found to be valid, would be the effective date of the Notice, January 31, 2012. The Landlord is at liberty to consider and make application pursuant to section 56 of the Act, ending a tenancy early.

The Tenant will be notified by the Residential Tenancy Branch of the date of the reconvened Hearing. The Tenant must serve the Landlord with the Notice of Hearing letter and any evidence in accordance with the service provisions of the Act and **no later than 5 days before the Hearing.**

Failure to attend the Hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the Dispute Resolution Officer and the evidence of the Party in attendance at the 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 19, 2012.

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Residential Tenancy Branch