



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

For the tenant/applicant: CNR, ATT, FF  
For the landlord/applicant: OPR, MNR, FF

### **Introduction**

This was the reconvened hearing dealing with the parties' cross Applications for Dispute Resolution seeking remedy under the Residential Tenancy Act (the "Act").

The tenant/applicant applied to cancel a Notice to End Tenancy for Unpaid Rent, to allow access to the rental unit and to recover the filing fee paid for the application.

The landlord/applicant applied seeking an order of possession for unpaid rent, a monetary order and to recover the filing fee paid for the application.

The landlord and the tenant's legal counsel attended the hearing.

### **Preliminary Issue:**

Prior to the hearing, the tenant's legal counsel filed a statement from the tenant's physician which indicated that the tenant was temporarily physically incapacitated due to an illness. The physician recommended complete bed rest. Due to this, the tenant's legal counsel requested an adjournment of the hearing.

## **DECISION AND REASONS**

In considering the tenant's request for an adjournment, I am guided by Section 6.3 of the Rules of Procedure which gives the Dispute Resolution Officer authority to adjourn the dispute resolution proceeding to a later time at the request of any party or on the Dispute Resolution Officer's own initiative.

Pursuant to Section 6.4 (a) and (c) I considered whether or not an adjournment was required to provide a fair opportunity for a party to be heard.

In reviewing the written submission of the tenant, I find that he is unable to attend the hearing due to circumstances beyond his control and I therefore grant his request for an adjournment of this hearing.

Also, after having reviewed the evidence and taken into account statements of the parties, it appears that the landlord would not be unduly prejudiced by a delay in the hearing.

Therefore I order the hearing be adjourned and scheduled to reconvene on the date and time specified in the enclosed Notice of Adjourned Hearing.

The parties are advised this dispute resolution proceeding will continue on the day of the reconvened dispute resolution hearing listed in the Notice of Adjourned Hearing, whether you are in attendance or not, when a Decision will be rendered in your absence should you elect not to attend.

#### 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: January 04, 2012.

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Residential Tenancy Branch