



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNSD and FF

Introduction

By application of November 5, 2011, corrected on November 8, 2011, the tenant seeks a monetary award for return of her security and pet damage deposits in double on the grounds that the landlord did not return them or make application to claim against them within 15 days of the end of the tenancy. The tenant also seeks to recover the filing fee for this proceeding from the landlord.

As a preliminary matter, by letter dated and sent by facsimile to the branch on January 18, 2012, the landlord requested that this hearing be adjourned to a later date as she was scheduled to be travelling on business, and awaiting aircraft boarding, at the time of the hearing. The landlord submitted a copy of her itinerary in support of her request, noting that her surname varies due to her passport bearing her maiden name rather than her current married name under which she is identified as respondent.

The landlord's husband appeared on her behalf to reiterate the request for adjournment but gave evidence that the tenancy was managed entirely by his wife and he did not have sufficient knowledge of the matters in dispute to represent her.

The tenant objected to the adjournment.

Item 6.2 under the Rules of Procedure provides that, if prior consent of the other party cannot be obtained, the party seeking an adjournment may make the request by:

- (a) "submitting to the Residential Tenancy Branch, at least three (3) business days before the dispute resolution proceeding, a document requesting that the dispute resolution proceeding be rescheduled and setting out the circumstances that are beyond the party's control that will prevent him or her from attending the dispute resolution proceeding."

(b) having an agent represent him or her attend the dispute resolution proceeding to make a request to the Dispute Resolution Officer to reschedule the dispute resolution proceeding and to describe the circumstances that are beyond the party's control that will prevent him or her from attending the dispute resolution proceeding.

I find that the landlord has met both of those requirements.

Item 6.4 sets out a partial list of factors a Dispute Resolution Officer may take into consideration in evaluating a request for adjournment and includes, "(c) whether the adjournment is required to provide a fair opportunity for a party to be heard."

I find sufficient merit in the landlord's request for an adjournment to conclude that it should be granted.

Therefore, this hearing will reconvene at a time and date set out in the enclosed Notice of Hearing.

The parties have been advised that the notice is forthcoming and if they do not receive it with 10 days, they should contact the branch for confirmation.

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 26, 2012.

Residential Tenancy Branch