



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes LAT, LRE, OLC, MNDC, FF

Introduction and Preliminary Issue

This hearing dealt with the tenant's application for a monetary order for money owed or compensation for damage or loss under the Residential Tenancy Act (the "Act"), for an order requiring the landlord to comply with the Act, regulations or tenancy agreement, an order suspending or setting conditions upon which the landlord may enter the rental unit and an order authorizing the tenant to change the locks to the rental unit and for recovery of the filing fee.

The parties appeared and before the hearing began, the tenant submitted that she had requested copies of police records regarding her allegations against the landlords, which have not been sent to her as of the day of the hearing.

The tenant submitted that she was informed that she would be sent the records no later than April 11, 2012.

The tenant stated that the records were necessary to consider with her application and therefore requested an adjournment of this hearing.

Analysis

Section 6.3 of the Rules of Procedure gives the Dispute Resolution Officer authority to adjourn the dispute resolution proceeding to a later time at the request of either party or on the Dispute Resolution Officer's own initiative.

Under Section 6.4 (c) I considered whether or not an adjournment was required to provide a fair opportunity for a party to be heard, or whether the purpose for which the adjournment is sought will contribute to the resolution of the matter.

I accept the submissions of the tenant and find that she proved due diligence in seeking relevant evidence which would supplement her application and that through no fault of her own, the evidence has not yet been made available.

I therefore find that to proceed would unduly prejudice the rights of the tenant to support her application.

Therefore I order the hearing be adjourned and scheduled to reconvene in accordance with section 64 of the *Residential Tenancy Act*.

The tenant is advised that she is to provide the Residential Tenancy Branch (“RTB”) and the landlords a like copy of her evidence upon receipt of the police records in accordance with the RTB Rules of Procedure.

The landlords are at liberty to submit their evidence in response to the tenant’s evidence, likewise in accordance with the RTB Rules of Procedure.

Conclusion

This hearing is adjourned to the date specified in the enclosed Notice of Adjourned Hearing.

The parties are advised that the hearing will commence on the day and time listed in the Notice of Adjourned Hearing whether or not you are in attendance, after which a final Decision will be rendered.

The landlords were advised that the portion of the rental unit, that is, the living area, kitchen and bathroom and any other area shared by the tenants is not considered a common area and were further advised that the landlords should abide by their requirements under the Act when accessing and entering a rental unit.

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: March 14, 2012.

Residential Tenancy Branch