



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession pursuant to a Notice to End Tenancy for Cause - Section 47; and
2. An Order to recover the filing fee – Section 72.

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

Preliminary Matter

At the onset of the Hearing, the Tenant requested an adjournment to make an application to dispute the Notice to End Tenancy. The Parties agree that the Tenant was admitted to hospital on March 28, 2012. The Tenant provided an oral recitation of a physician’s note dated April 1, 2012 that the Tenant is experiencing an acute medical emergency from a chronic illness which affects her judgement. The Tenant’s advocate states that nothing was known about the Tenant or the Tenant’s whereabouts until the end of March when the Advocate spoke with the Landlord and discovered the Tenant was in the hospital and had been served a Notice to End Tenancy. The Tenant’s advocate states that the application materials were received on April 6, 2012 however when the Advocate spoke with the Residential Tenancy Branch, the Advocate was told only to appear at the hearing and did not inform the Advocate that an application could be made to ask for time to dispute the Notice to End Tenancy. The Advocate states that it is unknown when the Tenant will be out of the hospital but that she will not be discharged until she is well enough. The Landlord objects to the request for an adjournment as he was informed on March 4, 2012 by a police officer and a nurse who

had attended the Tenant's unit to make an assessment that the Tenant was fine. The Landlord however is aware that the Tenant is currently in hospital.

Given that the Tenant has a valid medical emergency that has affected her judgement, that the Tenant's advocate wishes to dispute the Notice to End Tenancy and that the Tenant is currently hospitalized for an unknown period of time, I find that it would be reasonable and necessary, in the interests of providing a fair opportunity for the Tenant to be heard, to grant the adjournment in order for the Tenant to make an application seeking more time to dispute the Notice to End Tenancy.

The Parties will be provided a Notice of Adjourned Hearing (the "Notice") by the Residential Tenancy Branch. The Landlord must serve the Tenant with the Notice in accordance with the service provisions of the Act and **no later than 5 days before the Hearing.**

I direct the Tenant, upon making its application to the Residential Tenancy Branch, to inform the Branch of the reconvened Hearing so that the Tenant's application may be heard at the same time. Further, The Tenant must serve the Landlord with its application for dispute resolution 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: April 17, 2012.

Residential Tenancy Branch