



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MNDC, MNSD, OLC, RP, ERP, FF

Introduction / Background

This hearing was scheduled in response to an application by the tenant for a monetary order as compensation for the cost of emergency repairs / compensation for damage or loss under the Act, Regulation or tenancy agreement / return of the security deposit / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to make repairs to the unit, site or property / an order instructing the landlord to make emergency repairs for health or safety reasons / and recovery of the filing fee.

The tenant and an agent representing the landlord both called into the conference call hearing at the scheduled start time of 11:30 a.m. The landlord's agent requested an adjournment and cited the following reasons for the request:

- as the tenant's application, the Notice of a Dispute Resolution Hearing (the "Notice") and the tenant's documentary evidence were not received by the landlord until July 18, 2012, the landlord has not had an adequate opportunity to consider the matter and prepare a response;
- the landlord is participating in a separate Residential Tenancy Branch (the "Branch") conference call hearing which is scheduled to commence at 11:00 a.m. today (1/2 hour before the scheduled start time of this present hearing).

Further to the above, I note that it was not until July 18, 2012 when the tenant's documentary evidence was received by the Branch.

Additionally, it is noted that in response to the tenant's application, the Branch initially sent to the tenant by way of e-mail a Notice dated June 26, 2012. Subsequently, a new Notice was e-mailed to the tenant by date of July 6, 2012, after the tenant contacted the Branch and claimed that the first Notice had not been received. This was said to be the result of an error in the e-mail address.

Residential Tenancy Branch Rules of Procedure # 3.5 speaks to “Evidence not filed with the Application for Dispute Resolution,” and provides in part:

3.5 (a) Copies of any documents, photographs, video or audio tape evidence that are not available to be filed with the application, but which the applicant intends to rely upon as evidence at the dispute resolution proceeding, must be received by the Residential Tenancy Branch and must be served on the respondent as soon as possible, and at least (5) days before the dispute resolution proceeding as those days are defined in the “Definitions” part of the Rules of Procedure.”

Despite a preference for an expeditious hearing of the dispute, the tenant indicated that she was prepared to accede to the request for adjournment.

In consideration of all of the above, the request for adjournment is granted. Under separate cover, a new Notice will be mailed to the parties by the Branch. 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 testimony of the parties in attendance at the hearing.

Conclusion

The hearing is adjourned. Under separate cover a new Notice will be sent by the Branch to both parties.

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: July 23, 2012.

Residential Tenancy Branch