



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

ADJOURNMENT DECISION

Dispute Codes: MT, CNC

Introduction / Background / Evidence

This hearing was scheduled in response to the tenant's application for more time to make an application to cancel a notice to end tenancy / and cancellation of a notice to end tenancy for cause. The tenant and a family member assisting him attended the hearing and gave affirmed testimony.

The tenant's application for dispute resolution was filed online on September 6, 2012. Subsequently, a summary of entries in the Branch "Notes to File" is as follows:

September 10, 2012:

- Email sent re following corrections required: correct names.

September 17, 2012:

- No response from applicant re corrections / changes - application scheduled "As Is."
- Emailed NOH Doc's with: Instructions to assemble, Fact Sheet # 114 & NOH & Letters for respondents.

During this hearing the family member assisting the tenant testified that there were systemic problems associated with the home computer. In short, the tenant claims that the notice of dispute resolution hearing dated September 17, 2012 was not received until October 12, 2012. Thereafter, the tenant did not serve the landlord with the application for dispute resolution and the notice of hearing (the "hearing package").

In the meantime, the tenant received a hearing package from the landlord concerning a hearing scheduled in response to the landlord's application as follows:

File # 799115

Hearing by way of teleconference call

Tuesday, November 13, 2012 at 1:30 p.m.

Following from the above, this hearing is hereby adjourned and the tenant's application will be re-scheduled as a cross application to be heard at the same time / on the same date as the hearing scheduled in response to the landlord's application.

New hearing notices arising from the tenant's application are enclosed herewith. In addition to serving the new notice of hearing on the landlord, the tenant must serve the landlord with copies of all the documentary evidence on which the tenant intends to rely, at least five (5) days before the date of the scheduled hearing.

The tenant must also provide the Branch with copies of all documentary evidence on which the tenant intends to rely, at least five (5) days before the date of the scheduled hearing.

Conclusion

This hearing is hereby adjourned and the he tenant's application is re-scheduled to be heard as a cross application with the landlord's application on **Tuesday, November 13, 2012 at 1:30 p.m.**

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: October 22, 2012.

Residential Tenancy Branch