



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking a monetary order.

The hearing was originally convened on April 11, 2013 via teleconference and was attended by the tenant and the landlord. An adjournment was granted to allow the tenant to serve both the landlord and Residential Tenancy Branch (RTB) with evidence. The hearing reconvened on May 16, 2013 and was attended by an agent for the tenant and the landlord.

Prior to the adjournment, I advised both parties that the tenant must serve both the landlord and the RTB with a copy of a letter from a local hospital only and that no other evidence from the tenant would be allowed. I also advised both parties that the landlord would be allowed to provide additional evidence only in response to the letter that the tenant would serve him and no other evidence.

I advised both parties that the service of these documents must be in accordance with the time lines outlined in the Residential Tenancy Branch Rules of Procedure indicating it must be at least 5 days prior to the hearing. No such evidence was submitted by either party.

While the landlord did submit a written statement it is not in any way in reference to the letter from the local hospital the tenant indicated he would serve.

At the outset of the May 16, 2013 hearing the tenant's agent testified the tenant had left the country for a family emergency on April 18, 2013 and has not yet returned and as such he was not able to submit either the evidence required or to attend the conference call hearing.

The tenant's agent sought an additional adjournment. However as the tenant failed to provide to either the landlord or the RTB with a document he said he already had prior to leaving the country or to have an agent serve it on his behalf, I find a further adjournment may be met with another of the conditions of the adjournment unmet. As such, I dismiss the tenant's request for an adjournment.

Issue(s) to be Decided

The issues to be decided are whether the tenant is entitled to a monetary order for damage or loss, pursuant to Sections 32, 67, and 72 of the *Residential Tenancy Act (Act)*.

Conclusion

As the tenant was unable to attend this hearing or provide the evidence he should have originally provided when he filed his Application for Dispute Resolution as noted above, I dismiss the tenant's Application in its entirety with leave to reapply in accordance with the *Act*.

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: May 16, 2013

Residential Tenancy Branch

