



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MND, MNDC, MNSD, FF

This hearing is in relation to two related applications. File L is the landlords' application for a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. File T is the tenants' application for a monetary order including return of the security deposit.

The hearing was originally scheduled for 90 minutes on November 1, 2013, at 10:30 am. Both parties appeared on that date.

Both parties had served documents on each other after the deadlines for doing so had passed.

The landlords had served an amended Application for Dispute Resolution and their evidence package on the tenants by registered mail, which according to the records of Canada Post, had only been delivered to the tenants' address the day before the hearing. The tenants had served their Application for Dispute Resolution by registered mail received by the landlords on October 26. Only one package had been sent for the two landlords.

All parties said they wished to waive any irregularities and to have the hearing proceed as scheduled.

I heard most of the landlords' evidence on November 1 before the time allocated for this hearing expired. The parties agreed to an adjourned date of December 2, 2013, at 1:00 pm. Arrangements were made to have three hours set aside for that hearing.

On December 2 all parties again appeared. The landlords acknowledged receipt of the tenants' evidence package on November 19. They expressed the view that after seeing the tenants' evidence they had a great deal of discomfort with the proceedings and asked that the hearing be adjourned so they arrange to have their lawyer present when the tenants gave their evidence. They advised that their lawyer had a busy trial schedule and was not able to be present on this date. They also advised that they did

not have their lawyer's schedule but thought that if they could give their lawyer a long lead time he would be able to arrange his schedule to attend on the next hearing date.

The tenants did not consent to the adjournment. They said they had arranged their schedules to be present on this date and it was their desire to have this matter concluded as soon as possible.

After considering the representations of both sides and the criteria for granting an adjournment as set out in Rule 6.4 of the Residential Tenancy Branch Rules of Procedure I decided to grant the landlords' request for an adjournment on the grounds that:

- Having their lawyer present was an important component of the landlords feeling they had had a fair opportunity to be heard.
- The request did not appear to arise out of an intentional act or neglect on the part of the landlords.
- Although the tenants would like the matter resolved as soon as possible, the delay did not prejudice the presentation of their evidence.

After some discussion, which included the fact that the male tenant would be away at his work and unable to participate in a hearing between December 28 and January 26, the parties agreed that the adjourned date would be January 30, 2014, at 1:00 pm. Three hours will be set aside for this 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: December 02, 2013

Residential Tenancy Branch