



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      CNR, FF, MT, RR

### Introduction

A hearing was scheduled for hearing on February 6, 2015. Both parties attended. On the basis of the solemnly affirmed evidence presented at that hearing, an interim decision has been reached. All of the evidence was carefully considered.

### Application for an Adjournment:

The landlord requested an adjournment. He testified that he lives in Colorado and did not receive the tenant's Application for Dispute Resolution until January 30, 2015. He returned by air to Vancouver and submitted documents to the Residential Tenancy Branch two days ago. He also submitted documents by fax but those documents have not reached the arbitrator. He attempted to serve the documents on the tenant but he refused to accept service of the same.

The tenant objected to an adjournment. He alleged the landlord has forced him out of his residence. The landlord disputes this. He testified he has been told by the other roommates in the rental unit that the tenant threatened them with a knife and police told the tenant he was to leave.

I determined that it was appropriate to grant an adjournment for the following reasons:

1. One of the fundamental principles of our system is that a respondent have sufficient time to prepare a defense. The respondent lives in the United States and there was a delay in serving the Application because of the distance.
2. The arbitrator has not been given all of the evidence.
3. The respondent was not able to provide the applicant with the evidence because he refused delivery of the same.

4. The applicant failed to show that he would be prejudiced by such an adjournment.

As a result I made the following orders:

1. The matter is to be adjourned to a date determined at the discretion of the registrar of the Residential Tenancy Branch but preferably between March 11, 2015 and March 13, 2015;
2. The landlord shall mail all of evidence to the tenant at the address of the rental unit within 5 days of this order;
3. The tenant stated he does not have further documents that he intends to produce.
4. The parties are advised that the Residential Tenancy Act does not permit a landlord to force a tenant to vacate the rental unit before the landlord has first obtained an Order for Possession. A Writ of Possession from the Supreme Court and the bailiff is enforcing the Writ. Thus the tenant is entitled to possession of his rental unit. However, if the police have told the tenant that he must leave (because of threats to his roommates) he must comply with the directions of the police.

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: February 06, 2015

---

Residential Tenancy Branch

