



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

SECOND INTERIM DECISION

Dispute Codes MNDC, MND, FF

Introduction and Preliminary Matters

This was the reconvened hearing dealing with landlords' application for dispute resolution under the Residential Tenancy Act (the "Act").

The landlords applied for a monetary order for money owed or compensation for damage or loss and due to alleged damage to the rental unit and for recovery of the filing fee paid for this application.

The tenant had originally made an application for dispute resolution; however, at the original hearing the tenant requested that his application be withdrawn and in an Interim Decision, entered on March 20, 2015, the application was withdrawn.

That hearing began on March 17, 2015, and dealt only with only with the landlord's evidence in support of their application.

The Interim Decision may be read in conjunction with this Decision and further, it is incorporated herein by reference.

The parties were informed at the original hearing and in the Interim Decision that the hearing would be adjourned in order to hear the tenant's response to the landlord's application.

At this reconvened hearing, the tenant began testimony in response to the landlords' application and after 80 minutes, I questioned the tenant as to the length of the remainder of his submissions. The tenant approximated that the balance of his response would take at least an hour.

The landlord questioned whether he would be provided an opportunity to respond to the tenant's submissions and he was told that he would be.

The tenant was then questioned as to whether or not he was reading his responsive submissions and he stated that he was. At this point, as the hearing had gone in excess of the normal time allotted, there was a discussion of concluding the hearing by written submissions, as it appeared that there would be at least one more adjournment of this hearing, perhaps to conclude in the autumn.

Time frames were discussed as to the due date of the written submissions, and the parties were informed that a decision would be forthcoming to them in an Interim Decision.

Analysis and Conclusion

Section 6.3 of the Dispute Resolution Rules of Procedure (Rules) gives the Arbitrator authority to adjourn the dispute resolution proceeding to a later time on the Arbitrator's own initiative.

As the hearing could not be completed within the time frames given, I order the hearing be adjourned. I also order the remainder of the hearing be conducted by written submissions as discussed at the hearing, pursuant to section 61 of the Act and in the interests of judicial expediency.

I order the tenant to send his written submissions from which he was reading in response to the landlords' application to the Residential Tenancy Branch ("RTB") and the landlords so that the submissions are **received** by the RTB and the landlords by May 20, 2015. The tenant may provide the balance of his responsive submissions, or the entire submissions, including the statements made at the hearing. The tenant is advised that the submissions must be in direct response and on point to the landlords' application.

If the landlords choose to provide rebuttal to the tenant's responsive submissions, I order that the rebuttal be sent to the RTB and the tenant so that it is **received** by May 29, 2015. The landlords are advised that their rebuttal must be in direct response and on point to the tenant's responsive submissions.

If the tenant chooses to provide a surrebuttal to the landlords' rebuttal, I order that the surrebuttal be sent to the RTB and the landlords so that it is **received** by June 9, 2015. The tenant is advised that the surrebuttal must be in direct response and on point to the landlords' rebuttal.

It is recommended, but not ordered, that the parties serve their respective submissions by registered mail in order to confirm that the submissions were sent and the parties may include that proof of service to the other with their submissions. The parties are advised of section 90 of the Act, which states that documents served by registered mail are deemed delivered 5 days later.

The parties are further advised that should their respective written submissions not be in direct response as noted above, I will not consider the non-direct response.

I note that the tenant referred to his documentary evidence during this hearing, which was not filed with the landlord's application, but rather with his original application for dispute resolution which is now closed. When it became apparent that the tenant would refer to this evidence, which he claimed was in support of his own application and in response to the landlords' application, I retrieved the tenant's file and his evidence was considered, in light of the landlords' confirmation that the evidence was before them at the hearing.

The parties are advised that the hearing will be deemed concluded on June 9, 2015.

If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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 7, 2015

Residential Tenancy Branch

