



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MT, CNC, OLC
 OPC

Introduction

This hearing was convened by way of conference call this date concerning applications made by the tenant and by the landlord. The tenant has applied for more time to dispute a notice to end the tenancy, for an order cancelling a notice to end the tenancy and for an order that the landlord comply with the *Act*, regulation or tenancy agreement. The landlord has applied for an Order of Possession for cause.

Both parties attended the hearing. During the course of the hearing, the landlord opposed inclusion of late evidence of the tenant, which was received by the landlord and by the Residential Tenancy Branch today. The tenant submitted that there was not enough time to respond to the landlord's evidentiary material which the tenant received on May 13, 2015, and that the late evidence is crucial for the tenant's case. The tenant attempted to fax it yesterday, however it didn't go through, and the tenant requests an adjournment to allow that evidence to be reviewed by the landlord and considered in this hearing.

Analysis and Conclusion

The Residential Tenancy Branch Rules of Procedure require parties to submit evidence by certain dates depending on whether the parties are applicants or respondents. In this case the parties are both applicants and both respondents.

In the circumstances, I find that neither party would be prejudiced by an adjournment for 5 days, and I adjourn this hearing to Tuesday, May 26, 2015 at 3:00 p.m.

I also order that no further evidence will be accepted by the tenant, and any evidence that the landlord wishes to submit in response to the tenant's late evidence must be received by the Residential Tenancy Branch and by the tenant by no later than 4:00 on

Monday, May 25, 2015. If the tenant is not at home, the landlord must post it to the door of the rental unit and make note of the date and time that it was posted.

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 21, 2015

Residential Tenancy Branch

