



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes CNC FF O

Introduction

This hearing convened pursuant to the tenants' application to cancel a notice to end tenancy for cause. The tenants and the landlord called in to the teleconference hearing.

Preliminary Issue – Landlord's Application and Evidence

At the outset of the hearing, the landlord stated that on July 6, 2015 she made her own application, and on July 7, 2015 she submitted an evidence package containing documents and a CD. I did not have the landlord's evidence before me. The Branch's case management system indicated that the landlord's evidence had been placed on the file for the landlord's application, which is scheduled to be heard on September 10, 2015. The system also indicated that the landlord was emailed the information about her application, including the hearing time and date for her application.

The file for the landlord's application was not physically located where I could immediately access it. The landlord stated that she only submitted one package for both files because she thought they were going to be joined and heard together. The landlord stated that she felt her testimony would not make sense unless I also had her documentary and digital evidence before me. I determined that it was appropriate to adjourn the hearing.

As the respondent for the tenants' application, the landlord was required to submit any evidence to support her response to the tenants' application. As the applicant for her own application, the landlord was also required to submit any evidence to support her application. The landlord was aware on July 8, 2015 that her application had not been joined with the tenant's application, and it was going to be heard separately on September 10, 2015. It was the landlord's responsibility at that time to ensure that she submitted two evidence packages, one as a respondent on the tenants' application and one for her own application. The landlord did not do so, and as a result I did not have the landlord's evidence before me on July 15, 2015 when the hearing convened for the

tenants' application. It was open to me to proceed with the tenants' application without the landlord's evidence before me, but I determined that in the interests of administrative fairness I would adjourn the hearing. I have determined that it is appropriate to join the applications of the tenants and the landlord, to be heard together on the date and time originally scheduled for the landlord's application.

Conclusion

I order the tenants' application to be joined with the application of the landlord, and for both matters to be heard together on September 10, 2015 at 9:30 a.m.

This interim 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: July 16, 2015

Residential Tenancy Branch

