



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD

Introduction

On December 10, 2015, the tenants' application for return of the security deposit and pet deposit was granted.

On January 6, 2016, the landlord made an application for review consideration, which was granted on the basis that they were unable to attend at the original hearing because of circumstances that could not be anticipated and were beyond their control.

The arbitrator ordered the parties to participate in a new hearing, and the original decision and order were suspended. The Arbitrator at the new hearing may confirm, vary or set aside the original decision.

The tenants appeared.

Preliminary issue

At the outset of the hearing, someone attended the hearing requesting that the matter be adjourned, as the landlord had a court appearance for divorce matters scheduled at the same time. The party was asked to provide their full name; however, they refused and indicated that they are "only the messenger" for the landlord and exited the hearing. The landlord did not provide a letter authorizing anyone to appear on their behalf.

In this case, the landlord served the tenants' with the notice of review hearing, which was dated January 21, 2016, and scheduled for today, March 7, 2016. There was no evidence that the landlord contacted the tenants to seek an adjournment by consent and the tenants object to the matter being adjourned to a later date.

Further, the landlord has provided no documentary evidence to prove that their court appearance is scheduled for the same date and time, which would have been reasonable under the circumstance, to submit those documents as evidence for my review and consideration.

Therefore, I find any adjournment would be unfair and prejudicial to the tenants, as the landlord has retained the tenants' security deposit and pet deposit since June 29, 2015.

Since the tenants' testimony has not changed from the original hearing. I find it reasonable to confirm the original decision and order made on December 10, 2015.

Conclusion

The original decision and order made on December 10, 2015, are confirmed.

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: March 07, 2016

Residential Tenancy Branch

