



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1027110 BC Ltd. (Weststone) and Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

INTERIM DECISION

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Introduction

This was a hearing with respect joined applications brought by the landlord. The applications were set for hearing by conference call. The landlord's agent, the tenants' advocate and one of the name tenants called in and participated in the hearing. The landlord is seeking to end the tenancies of the six manufactured home park tenancies and to obtain orders for possession with respect to each tenancy because, as alleged in the applications; "DUE TO FRUSTRATION OF THE TENANCY AGREEMENT."

At the hearing the landlord's agent requested that the hearing be adjourned and rescheduled for hearing on a future, early date. The landlord's agent testified that the landlord has retained counsel to represent it at the hearing. He referred to a letter from counsel dated June 1, 2016. In the letter the lawyer said that he was appointed to act for the landlord on May 31, 2016. He said that he cannot attend the hearing on June 15, 2016 because he is engaged in a hearing before another tribunal on June 15th. Counsel for the landlord requested that the matter be adjourned to a new date and sought to have the adjournment approved before the hearing on June 15, 2016. I was not available to consider the request before the hearing and in any event the respondents were not prepared to consent to an adjournment so the matter of an adjournment was not considered before the scheduled hearing.

Counsel for the landlord said in his letter that he anticipated calling 3 or 4 expert witnesses plus 2 lay witnesses. He suggested that the hearing be booked for a full day. He also requested that a Court Reporter be allowed to record and transcribe the proceeding.

The tenants' advocate stated that he acts for all tenants and all tenants are opposed to the adjournment of the landlord's application. He said that certain tenants will be away on planned trips after the scheduled hearing and the hearing should proceed today otherwise they may not be available to attend a reconvened hearing. The tenants'

advocate submitted that the landlord's application should be dismissed with leave to reapply rather than being adjourned.

At the interim hearing I advised the parties that the hearing will be adjourned rather than dismissed with leave to reapply. I made the following directions as terms of the adjournment

- The landlord must deliver as soon as possible to the respondents and to the Residential Tenancy Branch written summaries or "will say" statements of the evidence to be presented by its witnesses
- The landlord must deliver as soon as possible to the respondents and to the Residential Tenancy Branch copies of the judicial decisions or precedents upon which it intends to rely in support of its legal submissions.
- The hearing of this proceeding will be set for a full day at the offices of the Residential Tenancy Branch in Burnaby.
- The landlord may hire an Official Court Reporter to attend and transcribe the proceedings at its own expense. The landlord must provide and pay for transcripts of the proceedings to be provided to the respondents and to the Residential Tenancy Branch.

The parties will be notified of the new hearing date by the Residential Tenancy Branch.

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: July 7, 2016

Residential Tenancy Branch