



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, PSF, RR

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for compensation - Section 67;
2. An Order for the Landlord’s compliance - Section 62;
3. An Order for the provision of services or facilities - Section 65; and
4. An Order for a rent reduction - Section 65.

The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions. Each Party confirmed that they had no other person with them for the hearing.

The Tenant asked for an adjournment because she has had serious health issues and had surgery in June 2015. The Tenant stated that these health problems prevented the Tenant from being able to participate in the proceedings. The Tenant stated that she did previously have advocates to assist her however “for some reason something happened and they could not help me”. After another voice was heard on the Tenant’s line, the Tenant confirmed that another person was present with the Tenant and stated that this person offered to help at the last minute. The Tenant stated that this person’s attendance did not require recording as this person would not be assisting the Tenant at the hearing and had left the room.

The Landlord stated that the Tenant made its application at the last minute or last day before the limitation date, that it has been over 2.5 years since the end of the tenancy,

that no supporting evidence has been provided by the Tenant and that the Landlord wishes to proceed and finalize the dispute.

Rule 7.9 of the Rules of Procedure provide that matters to be considered for an adjournment includes the written and oral submissions of the parties and the degree to which the need for the adjournment arises out of neglect of the party seeking the adjournment. The Tenant appeared at the proceedings fully articulate and capable with no evidence of any immediate medical emergency that would prevent the Tenant's participation in the proceedings on the day of the hearing. A significant length of time passed since the Tenant made its application, the Tenant gave vague and uncertain evidence of advocacy help, and there was no supporting medical evidence of any medical problem preventing the Tenant from being prepared for the hearing. For these reasons and having considered the prejudice to the Landlord from any further passage of time I denied the adjournment.

The Tenant was given the opportunity to provide oral evidence for her claim and stated that she could not participate in the proceedings with the Landlord present. The Tenant was cautioned that another application may not be permitted due to the limitation period. The Tenant cancelled her application and the hearing ended.

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: November 03, 2016

Residential Tenancy Branch