



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, RPP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement pursuant to section 67; and
- an order requiring the landlord to return the tenant's personal property pursuant to section 65.

Due to an issue with service, the "first hearing" on December 08, 2016 was adjourned to give all parties an opportunity to respond. The "second hearing" on January 26, 2017 was adjourned due to an issue with evidence.

The landlord, landlord's advocate (collectively "the landlord") and the tenant attended all three hearings.

Preliminary Issue – Adjournment Request

At the outset of this hearing the tenant requested an adjournment. The tenant testified that due to a shortage of funds he could not send the 10 page evidence package already submitted to the Residential Tenancy Branch, to the landlord, and wanted an opportunity to do so.

The tenant was not restricted to a method of service which required funds; he had alternate service methods available to him at no cost. I find the tenant was negligent in sending the evidence package to the landlord and therefore advised him I would not be granting an adjournment nor considering his latest 10 page evidence package.

Withdrawal

The tenant did not want to proceed with the hearing and confirmed he wished to withdraw his application. The landlord did not object to this withdrawal.

As the claim has been withdrawn, no further action is required and the file is closed accordingly.

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: February 23, 2017

Residential Tenancy Branch

