



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNL-4M MNDCT FFT**

Introduction

This hearing dealt with application by the tenant under the *Residential Tenancy Act* (the Act) for the following:

- Cancellation of a Four Month Notice to End Tenancy for Landlord's Use of Property pursuant to section 49;
- Monetary order for compensation or damages pursuant to section 67; and
- Reimbursement of the filing fee pursuant to section 72.

The hearing was conducted by teleconference. BD appeared as advocate for the tenant ("the tenant"). RS appeared as agent for the landlord and the landlord VM appeared ("the landlord").

The parties were affirmed.

At the outset of the hearing, the tenant stated he is profoundly hearing impaired and required the advocate BD to be present, to listen to the teleconference and then repeat in greater volume to the tenant what BD heard. The tenant stated he would be able to better hear and understand what was said if he were in the same room as the speakers. Accordingly, the tenant requested the hearing be adjourned to a face-to-face hearing in the city in which he resides.

The landlord agreed to the adjournment. The agent RS stated he resides in the same city. The landlord VM stated she resides outside the province and agreed to attend by teleconference. The landlord VM agreed that RS would orally present the landlord's testimony at the re-scheduled hearing to enable optimal communication with the tenant.

Rules 7.8 and 7.9 of the Residential Tenancy Branch Rules of Procedure establish how late requests for rescheduling and adjournment of dispute resolution proceedings are handled. Rule 7.8 provides that at any time after the dispute resolution hearing begins, the arbitrator may adjourn the dispute resolution hearing to another time. The arbitrator will determine whether the circumstances warrant the adjournment of the hearing.

Rule 7.9 sets out criteria for granting an adjournment which includes consideration of the submissions of the parties and the possible prejudice to each party. In this case, both parties consented to the tenant's request for adjournment and there is no prejudice to the parties.

Based on the above, I grant the tenant's request for adjournment.

Conclusion

This hearing is adjourned by consent. I order as follows:

- This hearing will be reconvened on the date identified in the Notice of Hearing documents attached to this decision;
- This is not an opportunity for the tenant to amend this Application for Dispute Resolution;
- This is not an opportunity for the landlord to submit an Application for Dispute Resolution to be crossed or for the landlord to submit a new Application for Dispute Resolution to be joined with any of this Application for Dispute Resolution currently before me; and
- This is not an opportunity for either party to submit additional evidence.

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: October 05, 2018

Residential Tenancy Branch