



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes FFL, MNRL, OPR

Introduction

The matter originally proceeded by way of a hearing on May 2, 2019, pursuant to section 38 of the *Residential Tenancy Act* (the “Act”), and deal with an Application for Dispute Resolution by the landlord for:

- an Order of Possession for non-payment of rent and utilities pursuant to section 55;
- a monetary order for unpaid rent and utilities pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

On May 15, 2019, the tenant was granted her application for review consideration, and the Decision and Orders dated May 3, 2019 were suspended until the Review Hearing scheduled for June 20, 2019. The tenant filed the application for review consideration on the grounds that she did not attend the original scheduled hearing as she was never served with the Application for Dispute Resolution, and therefore was unaware of the original hearing held on May 2, 2019.

Both parties and their agents attended this Review Hearing, and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue - Adjournment of Hearing

The hearing commenced at 9:30 a.m. with both parties present. At 11:23 a.m., AV joined the hearing, and announced that he was present to assist the tenant. AV was unable to attend at an earlier time as he was in another hearing. AV proposed a mutual resolution of the matter, which the landlord’s agents considered.

After both parties discussed the matter, the landlords requested a brief adjournment of the matter in order to discuss the matter and possibly achieve a resolution. Both parties indicated in the hearing that they were consenting to the adjournment in order to discuss the matter further.

During the hearing, I advised the parties that I was adjourning the hearing. I granted the adjournment after taking into consideration the criteria established in Rule 7.9 of the *Rules*, which includes the following provisions:

Without restricting the authority of the to consider the other factors, the arbitrator will consider the following when allowing or disallowing a party's request for an adjournment:

- *the oral or written submissions of the parties;*
- *the likelihood of the adjournment resulting in a resolution;*
- *the degree to which the need for the adjournment arises out of the intentional actions or neglect of the party seeking the adjournment; and*
- *whether the adjournment is required to provide a fair opportunity for a party to be heard; and*
- *the possible prejudice to each party.*

In reaching my interim decision, I note that this adjournment is by consent of both parties, and could possibly assist both parties in achieving a mutual resolution of this matter.

I advised the parties that I was seized of this matter and that the hearing would be reconvened as a conference call hearing on **Monday, June 24, 2019, at 11:00 a.m.** Both parties confirmed that they were available during the above date and time to attend the reconvened hearing. A copy of the Notice of Reconvened hearing with the calling instructions is included with this decision.

I order this is not an opportunity for the landlord or the tenant to submit additional evidence for this hearing.

I order this is not an opportunity for the tenant(s) to file an application for dispute resolution to be crossed with the landlord's application.

I order this is not an opportunity for the landlord to file another application for dispute resolution to be joined with this application.

I order this is not an opportunity for the landlord to amend this current application.

Conclusion

I adjourn the landlord's Application to be heard at the reconvened hearing at 11:00am on June 24, 2019. I order that the proceeding be reconvened in accordance with section 74 of the *Act*. **Notices of Reconvened Hearing are enclosed with this interim decision.**

For more information see our website at: gov.bc.ca/landlordtenant. If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

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: June 20, 2019

Residential Tenancy Branch