



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes MNDC FF

Introduction

This hearing was convened in response to an application by the tenant filed April 11, 2019.

The tenant and the landlord of this matter attended the hearing at the scheduled time.

The tenant acknowledged they did not serve the landlord with their application in this matter nor the Notice of Hearing, nor served the landlord or this proceeding with any evidence they claim having in their possession and upon which they seek to rely.

The landlord stated being notified of this matter by automated e-mail from the Residential Tenancy Branch in the first week of July 2019. The Branch also purportedly provided the landlord with particulars of the action against them and on that basis the landlord uploaded some evidence in their defense.

At the outset of today's hearing the tenant requested an adjournment. The tenant claimed that since filing their application they were unable to serve the landlord with any procedural requirements or evidence due to medical reasons. Within the previous 24 hours of this hearing the tenant uploaded a note from a physician stating the tenant,

"... is advised to rest for 2 weeks, due to medical reasons. Also, she is not fit to attend dispute resolution meeting tomorrow" – as written.

I have reviewed Rules of Procedure 7.8 to 7.10. Given the somewhat ambiguous and seeming confidential nature of the circumstances in this matter I am satisfied it would not prejudice the landlord if this matter were reconvened by the Branch for a later date. As a result of all the above this matter is adjourned in accordance with my following Orders.

Orders

I Order this hearing is adjourned to be reconvened at a later date, as scheduled.

I Order the parties to attend on the re-scheduled hearing date as set down and provided by the Branch; after which date, I will issue a Decision and any applicable Order irrespective of a party in absentia, or unable to participate due to circumstances deemed within their control.

I Order the tenant to serve the landlord with their entire **Application for Dispute Resolution** and **any and all evidence** upon which they seek to rely, **in one (1) package**, by **registered mail, no later than 28 days from the date of this Decision.**

I Order the tenant to submit **any and all evidence** upon which they seek to rely to the *Residential Tenancy Branch* **no later than 28 days from the date of this Decision.**

I Order the landlord to serve the tenant and submit to the *Residential Tenancy Branch* **any and all additional evidence** upon which they seek to rely **no later than 14 days prior to the rescheduled hearing date.**

No amendments to this matter will be accepted. **No cross-application** to this matter will be accepted.

It must be noted it remains available to the parties to mutually resolve their dispute. It must further be noted that it is available to either party to obtain assistance, if necessary, so as to effectively comply with the above Orders.

Conclusion

I have **Ordered** this matter adjourned.

Notices of the Reconvened Hearing are enclosed with this Decision. Failure to attend the reconvened hearing at the scheduled time, with all relevant documents and/or witnesses, will result, as Ordered, in a final and binding Decision being made on the basis of any information before the Arbitrator and the evidence of the party in attendance at the hearing.

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

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: July 16, 2019

*This Decision amended pursuant to Section 78(1)(c)
of the Residential Tenancy Act this 17th day of July, 2019, **as indicated.***

Residential Tenancy Branch