



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT, MNSD

### Introduction

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

- a Monetary Order for the return of the security deposit, pursuant to sections 38 and 67; and
- a Monetary Order for damage or compensation under the *Act*, pursuant to section 67.

The landlord and the tenants' advocate attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

### Preliminary Issue: Adjournment Request by Tenant

The tenants' advocate requested an adjournment of the hearing on the basis that she was ill when she planned on submitting the tenants' evidence. The tenants applied for dispute resolution on August 19, 2019. The tenant's advocate entered into evidence a doctor's note stating she was ill from November 2, 2019 to December 16, 2019. The landlord objected to the adjournment as the tenants have had months to serve their evidence.

In the hearing I declined to adjourn the hearing because I found that the tenants had ample time to submit evidence to the landlord and the Residential Tenancy Branch as there was approximately 4 months between the tenants' application date and the hearing. I find that it was the tenants' responsibility to submit their evidence in

accordance with the Rules of Procedure, regardless of the health of their advocate, and that the advocate had ample time to submit the tenants' evidence prior to her illness.

Given the above, pursuant to Rule 7.8 of the *Rules of Procedure*, I find that there are insufficient factors to permit me to grant an adjournment.

#### Preliminary Issue- Withdrawal

After the tenants' request to adjourn the hearing was denied, the tenants' advocate withdrew the tenants' application for dispute resolution. As no further action is required with respect to the application, I dismiss the tenant's application with leave to reapply.

I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

#### Conclusion

The tenants' application is dismissed with leave to reapply.

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: December 23, 2019

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Residential Tenancy Branch