



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM DECISION**

Dispute Codes      CNC, OLC

This review hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 47; and
2. An Order for the Landlord’s compliance - Section 62.

This review hearing was granted in a review consideration decision dated February 19, 2020. The Landlord and Tenant were each given full opportunity under oath to be heard, to present evidence and to make submissions. The Landlord confirms that its email as set out in the Tenant’s application is correct.

At the onset of the hearing the Parties gave agreed evidence that the Tenant has been required to have the utilities in its name for the utility costs of both the Tenant’s upper unit and another tenant’s the lower unit. The Landlord agrees to put the utilities in its name no later than April 30, 2020.

The allotted hearing time ended before the Landlord was able to call its witness for evidence. The Landlord asks to adjourn the hearing in order to call its witnesses. It is noted that the review consideration decision dated February 19, 2020 was granted in order for the Landlord’s witness to give evidence at the review hearing. The Tenant states that it is also waiting for a police report to provide as evidence for this dispute and that due to the pandemic the Tenant has been informed of a delay in obtaining this report.

Rule 7.9 of the Residential Tenancy Branch (the “RTB”) Rules of Procedure provides that an adjournment may be granted where the adjournment is required to provide a fair opportunity for a party to be heard. Given the reasons contained in the review

consideration decision and as the witness was not able to be heard within the time allotted for this hearing, I find that the adjournment is required for fair opportunity and I grant the adjournment.

**Notices of the time and date of the reconvened hearing are included with this Interim Decision.** Failure to attend the hearing at the scheduled time will result in a decision being made on the basis of any information before the Arbitrator and the evidence of the Party in attendance at the hearing.

Should the Tenant obtain the police report prior to the reconvened hearing, this evidence will be allowed along with any evidence from the Landlord in response to the police evidence. No further documentary or digital evidence will be accepted for the reconvened hearing.

Fact sheets that explain evidence and service requirements are available on the RTB website at: [gov.bc.ca/landlordtenant](http://gov.bc.ca/landlordtenant) If either Party has any questions, they may contact an Information Officer at the RTB at:

Lower Mainland: 604 660 1020

Victoria: 250 387 1602

Elsewhere in B.C.: 1 800 665 8779

This matter is adjourned. This interim decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 24, 2020

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Residential Tenancy Branch