

DECISION

Introduction

The Tenants' Request for a Summons to compel witnesses was received by the RTB on January 15, 2024, for a Hearing scheduled to occur on February 1, 2024. I note that the Tenants first made their application on August 31, 2024, under the *Residential Tenancy Act* (the "Act") for:

- a Monetary Order for compensation or other money owed in the amount of \$3,309.02
- authorization to recover the filing fee for this application from the Landlord under section 72 of the Act

Analysis

I considered the Tenants' request in accordance with RTB Policy Guideline 15.

Rule 5.4 of the RTB Rules of Procedure, clarifies when a summons may be made:

5.4 When a request for a summons may be made

A written request for a summons should be made as soon as possible before the time and date scheduled for a dispute resolution hearing.

In circumstances where a party could not reasonably make their application before a hearing, the arbitrator will consider a request for a summons made at the hearing.

As the hearing is scheduled for February 1, 2024, 16 days from writing this decision, I respectfully defer my decision regarding this matter, pending clarification of the relevant issues during the scheduled hearing, and whether a summons is necessary.

This 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: January 15, 2024

Residential Tenancy Branch