

DECISION

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- cancellation of the Landlord's 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice) under sections 46 and 55 of the Act

This hearing dealt with the Landlord's Application for Dispute Resolution under the *Residential Tenancy Act* (the Act) for:

- request for an Order of Possession for unpaid rent for which a 10 Day Notice to End Tenancy for Unpaid Rent under section 46 and 55 of the Act was served

Analysis

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides guidance on the criteria that must be considered for granting an adjournment:

7.8 Adjournment after the dispute resolution hearing begins

At any time after the dispute resolution hearing begins, the arbitrator may adjourn the dispute resolution hearing to another time.

A party or a party's agent may request that a hearing be adjourned.

The arbitrator will determine whether the circumstances warrant the adjournment of the hearing.

7.9 Criteria for granting an adjournment

Without restricting the authority of the arbitrator to consider 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;

- whether the adjournment is required to provide a fair opportunity for a party to be heard; and
- the possible prejudice to each party.

On August 8, 2024, the hearing was rescheduled to the current time at the request of the RTB. At the onset of the hearing the Tenant advised that due to the rescheduling she was required to be in attendance on another court matter. The Tenant requested a period of leave from the other matter to participate in the hearing, however the parties of the other matter declined to allow this.

The Tenant's inability to fully participate in the hearing and have a fair opportunity to be heard or participate in settlement discussions was not due to the intentional actions or neglect of either party. I am confident that an adjournment will result in a resolution of the matter.

For the above reasons I grant the Tenant's request for an adjournment.

As discussed at the hearing the contact information for the parties is listed on the cover page of this decision. **The two parties are at liberty to settle the issues at hand before the reconvened hearing if they are able to come to a mutually agreed resolution.** If an agreement is reached, please notify the Residential Tenancy Branch.

Conclusion

Based on the above:

- **I order** this hearing will be reconvened on the date identified in the Notice of Hearing documents attached to this decision;
- **I order** this adjournment is not an opportunity for either party to submit any additional evidence;
- **I order** this adjournment is not an opportunity for either party to amend their Application for Dispute Resolution.

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: August 12, 2024

Residential Tenancy Branch