



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

### **Dispute Codes**

For the Landlord: MNRL-S, MNDL-S, MNDCL, FFL  
For the Tenant: MNSDS-DR, FFT

### **Introduction**

Pursuant to section 58 of the Residential Tenancy Act (the Act), I was designated to hear a cross application regarding the above-noted tenancy.

The landlord's application pursuant to the Act is for:

- a monetary order for unpaid rent, pursuant to section 26;
- a monetary order for loss under the Act, the regulation or tenancy agreement, pursuant to section 67; and
- an authorization to recover the filing fee for this application, under section 72.

The tenants' application pursuant to the Act is:

- an order for the landlord to return the security deposit, under 38; and
- an authorization to recover the filing fee for this application, under section 72.

Landlord WA (the Landlord), witness CZ, tenant JS (the Tenant) and interpreter LS attended the hearing. The Tenant represented respondent North America Vocational Education Group Inc. All parties had a full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

### **Adjournment**

The Landlord requested to adjourn this hearing because he has a hearing at the British Columbia Supreme Court (BCSC) regarding the same tenancy discussed in these applications during the time of this hearing. The Landlord affirmed that he learned about

the BCSC hearing on August 23, 2024 and asked for an adjournment prior to this hearing, but the Tenant did not consent to the adjournment.

The Tenant declined to comment on the Landlord's request for the adjournment.

Rule 7.8 of the Residential Tenancy Branch Rules of Procedure states that at any time after the dispute resolution hearing begins, the arbitrator may adjourn the dispute resolution hearing to another time.

Rule of Procedure 7.9 states the arbitrator will consider whether the adjournment is required to provide a fair opportunity for a party to be heard and the possible prejudice to each party.

Based on the Landlord's convincing testimony, I find it is fair to adjourn the hearing to allow the parties to attend the RTB hearing on another date. I find the need for the adjournment does not arise out of intentional actions of the Landlord and the adjournment is not unfair to the parties.

The parties or their representatives must be prepared to attend the next hearing and provide the necessary testimony. I will not grant another adjournment for this reason, as the parties may have an agent represent them before the Residential Tenancy Branch.

### Service

The Landlord affirmed he did not receive the notice of hearing and evidence (the materials) from the Tenants' application.

The Landlord submitted 15 evidence documents in his application. The Tenant submitted 24 evidence documents in her application and the Landlord's application. The documents submitted by both parties are not numbered.

Considering the difficulties with service and the fact that the submitted evidence is not organized, I order the parties to serve their material again.

I order the Landlord to serve the materials to the Tenant no later than 10 calendar days after the date of this decision.

The Tenant may serve the materials to the Landlord no later than 20 calendar days after the date of this decision.

### Permitted Modes of Service of Documents and Proof of Service

Both parties agreed to serve and receive documents via email. The parties' email addresses are recorded on the cover page of this decision.

The parties must serve the materials via email. The parties must submit all their evidence in a single email, per Rules of Procedure 3.13 and 3.15.

The parties must submit to the RTB proof of service (form RTB 55) and the evidence submitted at the latest 3 calendar days after service.

I note that the deadlines, methods of service and proof of service in this decision differ from those in the Rules of Procedure. These orders in this decision regarding deadlines, methods of service and proof of service are made in light of the complexity of the claims. Where the deadlines, methods of service and proof of service in this decision and the Rules of Procedure differ, the ones in this decision prevail.

I will not consider any evidence served prior to this decision, as I am ordering the parties to serve all their evidence in a single email.

I order the parties to serve the evidence in an organized fashion with continuously numbered pages and an index. The evidence must be in a single PDF file.

The parties are at liberty to submit any evidence they consider necessary.

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:

1. This hearing will be reconvened in accordance with the Notice of Hearing document attached to this Interim Decision.
2. The Landlord must serve the Tenants the materials no later than 10 calendar days after the date of this decision.
3. The Tenant must serve the materials no later than 20 calendar days after the date of this decision.
4. The parties or their agents must attend the adjourned hearing.
5. The parties must serve the materials in a single email, with numbered pages.

6. The proof of service and the evidence must be submitted to the RTB at the latest 3 calendar days after service. The parties must provide the materials to the RTB in a single PDF file or printed copies at a Service BC Location.
7. This is not an opportunity for either party to amend these applications for dispute resolution.
8. This is not an opportunity for either party to submit an additional application for dispute resolution to be crossed or joined with the applications for dispute resolution currently before me.

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: September 16, 2024

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Residential Tenancy Branch