

## **Preliminary Decision:** **Reasons for Adjournment**

**Dispute Codes:** MNDC, FF

### **Introduction / Background**

This hearing was convened in response to the tenants' application for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement / and recovery of the filing fee. Both parties were present at the scheduled start time of the hearing.

Subsequent to the scheduling of the hearing, the landlord sought the tenants' consent to have the hearing adjourned and re-scheduled on or after March 28, 2011. While there is documentary evidence that the tenants agreed to this request, in the absence of their provision of written consent, the hearing remained set to commence as originally scheduled. The request for adjournment and re-scheduling arises out of the absence of a key witness for the landlord.

At the hearing the parties agreed to an adjournment and re-scheduling on or after March 28, 2011. Accordingly, a new notice of hearing will follow under separate cover.

In the meantime, it was also agreed as follows:

- that the parties will meet together at the landlord's office at 11:00 a.m. on Monday, January 17, 2011;
- that at the above meeting, the parties will undertake to clarify which, if any, documentation must still be provided to the landlord by the tenants;
- that at the close of the above meeting the parties will undertake to schedule yet another face-to-face meeting if it is clear that such a meeting would be helpful;

- that pending the re-scheduling of the hearing, the tenants will continue to make regular payment of monthly rent on the first day of each month in the full amount of \$293.00;
- that as long as the above payments continue to be made on time and in the full amount, the landlord will not issue a notice to end tenancy for unpaid rent;
- that should the parties resolve the dispute around whether or not there has been an overpayment of rent prior to the time of the re-scheduled hearing, the parties will contact the Residential Tenancy Branch in order to cancel the re-scheduled hearing.

### **Conclusion**

This hearing is adjourned and a new notice of hearing will be sent to the parties under separate cover.

As I am not seized of this matter, the hearing may be re-scheduled with the next available dispute resolution officer on or after March 28, 2011.

DATE: January 11, 2011

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Dispute Resolution Officer