



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MNSD, FF

Introduction

This hearing dealt with two applications as follows:

By the landlords: as an application for a Monetary Order to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee associated with their application.

By the tenants: as a cross application for a Monetary Order for the return of all or part of pet damage deposit or security deposit; and to recover the filing fee associated with their application.

Both parties attended the hearing. At the outset, landlord K.C. referred to her lawyer's January 26th, 2011 request letter for an adjournment on the basis that he would not be available to appear on this date. Tenant R.S. referred to his February 5th, 2011 response, wherein he opposed the landlords' request on the basis that they could have availed themselves of legal counsel who was available for the date of the hearing.

Section 6.4 of the *Residential Tenancy Branch Rules of Procedure* provides in part the criteria that must be applied when considering a party's request for an adjournment as follows:

- The oral and written submissions of the parties;
- Whether the purpose for the adjournment will contribute to a resolution of the matter;

- Whether the adjournment is required to provide a fair opportunity for a party to be heard, including whether a party had sufficient notice of the dispute resolution proceeding;
- The degree to which the need for the adjournment arises out of intentional actions or neglect of the party seeking the adjournment;
- The possible prejudice to each party.

After reviewing the parties' applications and their written and oral submissions, I accept that the request for an adjournment was due to circumstances beyond the landlords' control. The landlords are entitled to choose the counsel of their choice. I find the request reasonable, and that the adjournment does not prejudice the parties. I also find that it may provide a further opportunity for the parties to come to a resolution of this dispute.

Accordingly, I grant an adjournment and the parties will be notified when the dispute resolution will be reconvened. In granting this adjournment, the parties are hereby notified that their attendance, if required, to the next hearing date is mandatory.

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

Dated: February 15, 2011.

Residential Tenancy Branch