



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, MND, FF and O

Introduction

This application was brought by the landlords on November 23, 2010 seeking a Monetary Order unpaid rent, damage to the rental unit, recovery of the filing fee for this proceeding and other remedies.

This matter was originally set for hearing on March 31, 2011 but was adjourned with consent of both parties to 9:00 a.m. on April 21, 2011, the present session.

On April 18, 2011, the parties again sent written consent for adjournment by facsimile. As this date was one day short of the three clear days within which an adjournment may be requested by written consent of both parties, they were advised by telephone that their attendance at the hearing was necessary to request the adjournment. The applicant landlord appeared but the respondent tenant did not.

The landlord stated that the adjournment was required as a settlement of the matter is in process but not yet complete. If the settlement is not completed, the landlord would be out of time on the two-year limit if the application were to be dismissed with leave to reapply. The tenancy had ended in December of 2008, which was 23 months before the present application was made, a delay which resulted in part from the initial application having been made before the Provincial Court of British Columbia which deferred jurisdiction to the Residential Tenancy Branch.

Having taken these factors into account, I hereby allow the request for adjournment and the hearing will reconvene at a time and date set out in the enclosed Notice of Hearing. The applicant landlord has made promise to cancel the scheduled hearing immediately if the pending settlement is finalized. As I have heard no substantive evidence on this dispute, I am not seized of it.

April 21, 2011