



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW DECISION

Dispute Codes: FF MND MNSD

This hearing by telephone conference call dealt with the Tenant's Application for Review, filed on November 4, 2011. The Tenant applied for a review of the original decision and monetary order of \$243.00 granted to the Landlord on October 19, 2011.

On November 8, 2011, the Tenant was granted a Review Hearing on the ground the Tenant was unable to attend the original hearing.

In the November 8, 2011 review consideration decision, the Tenant was ordered to serve the Landlord with the Notice of Hearing within three days of receipt of the decision. The Review Hearing was scheduled for November 29, 2011. The November 8, review consideration decision also explained to the Tenant that if he could not attend the hearing, he should appoint an Agent to represent him.

I conducted the Review Hearing on November 29, 2011, and the Tenant attended along with a person he described as a translator. The Tenant stated he did not understand that he had to serve the Landlord with the Notice of Hearing, as English is his second language.

I allowed an adjournment in order for the Tenant to serve the Landlord with the Notice of Hearing for a hearing rescheduled for today, January 5, 2012. The Tenant served the Landlord by registered mail, and two Agents for the Landlord appeared at the hearing.

The Tenant did not appear at the hearing today, scheduled for 1:30 p.m., nor did he have anyone there to represent him. The telephone line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were the Agents for the respondent Landlord. Therefore, as the Tenant did not attend the hearing by 1:40 p.m. and the Landlord appeared and was ready to proceed, I dismiss the Tenant's review without leave to reapply.

I further find that the Tenant is using the review provisions of the Act in order to avoid the effects of the decision and order granted to the Landlord. This is not the purpose of the review provisions of the Act.

I order that the original decision and orders in this matter, granted on October 19, 2011, are confirmed and remain in full force and effect. The Landlord may enforce the monetary order against the Tenant.

This decision is final and binding, except as provided for under the Act, and 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: January 05, 2012.

Residential Tenancy Branch