



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, OLC, ERP, RP, PSF, LRE, RR, FF, SS, O

Introduction

This hearing was convened by way of conference call in response to an application made by the tenant for a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; for an order that the landlord comply with the *Act*, regulation or tenancy agreement; for an order that the landlord make emergency repairs for health or safety reasons; for an order that the landlord make repairs to the unit, site or property; for an order that the landlord provide services or facilities required by law; for an order suspending or setting conditions on the landlord's right to enter the rental unit; for an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided; for an order permitting the tenant to serve documents or evidence in a different way than required by the *Act*; and to recover the filing fee from the landlord for the cost of this application.

A hearing was conducted by a dispute resolution officer on May 2, 2012, which resulted in a Decision granting a monetary order in favour of the tenant. The landlord is an association, and applied for a review of the Decision and order. On May 29, 2012 the application of the landlord for a review hearing resulted in a new hearing and the Decision and order made on May 2, 2012 were suspended until the new hearing is conducted. This hearing is a result of the re-hearing.

An agent for the landlord association attended the conference call, however the tenant did not attend. The Decision dated May 29, 2012 is silent with respect to how the tenant would be notified of the new hearing date, however the landlord's agent provided testimony of having served the decision on the landlord's Application for Review and a copy of the notice of hearing which schedules the re-hearing for this date and time, upon the tenant by registered mail on June 7, 2012 and provided a tracking number assigned by Canada Post. I find that the tenant has been served in accordance with the *Residential Tenancy Act*.

This hearing was scheduled to be heard on June 19, 2012 at 1:30 p.m. by telephone conference call. The line remained open while the phone system was monitored for ten

minutes and the only participant who called into the hearing during this time was the respondent landlord.

The applicant tenant failed to attend to present their claim, and the respondent landlord appeared and was ready to proceed.

The *Residential Tenancy Act* states:

82 (2) The director may conduct a review

- (a) based solely on the record of the original dispute resolution proceeding and the written submissions of the parties, if any,
- (b) by reconvening the original hearing, or
- (c) by holding a new hearing.

(3) Following the review, the director may confirm, vary or set aside the original decision or order.

In the absence of the party who made the claim, the original decision and order are hereby set aside.

Conclusion

For the reasons set out above, pursuant to Section 82(3) of the *Residential Tenancy Act*, I hereby set aside the original decision and order made on May 2, 2012.

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: June 19, 2012.

Residential Tenancy Branch