



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OPR

This hearing dealt with the Tenant's Application for Review of a Decision and Order.

The Decision and Order were dated May 9, 2012, were issued under the Direct Request Process and granted the Landlord an order of possession for the rental unit.

On May 11, 2012, the Tenant applied for Review Consideration of the Decision and Order. The Review Consideration granted the Tenant a Review Hearing which was to be conducted today, June 11, 2012.

The Review Consideration Decision was dated May 17, 2012, and contained the following information for the Tenant:

"Pursuant to section 81(4) the tenant must serve the landlord with a copy of this Decision and the attached Notice of Hearing within **three (3) days** of receiving this decision.

Failure to serve the landlord as required above, or failure to attend the Review Hearing, with all relevant documents and/or witnesses, may result in a decision being made on the basis of any information before the dispute resolution officer and the evidence of the party in attendance at the hearing, including reinstatement of the original decision and order."

[Reproduced as written, emphasis was in the original Decision.]

This hearing was to be conducted by telephone conference call at 1:30 p.m. on this date. 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 Landlord.

I also find the Tenant did not serve the Landlord with the documents as required. The Landlord found out about the date and time of this Review Hearing from the Residential

Tenancy Branch, during the enforcement process. The Tenant did not serve the Landlord any documents or the Notice of Review Hearing.

Furthermore, the Applicant did not attend the hearing by 1:40 p.m.

For the above reasons, I dismiss the Application for Review without leave to reapply.

I also find that the Tenant is using the Review Process in an attempt to avoid the Decision and Order of Possession granted on May 9, 2012, and this is not the purpose of a Review under section 79 of the Act.

Pursuant to section 82 of the Act, I confirm the Decision and Order of Possession dated May 9, 2012, and these remain in full force and effect. The Landlord may enforce the Order of Possession.

This decision is final and binding on the parties, unless otherwise provided 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: June 11, 2012.

Residential Tenancy Branch

