



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OPR, MNR, MNSD,.FF

Introduction

This was a review hearing with respect to an original decision in this proceeding dated August 14, 2012. The hearing was conducted by conference call. The named parties called in and participated on behalf of the landlord. The tenant did not call in and did not participate in the hearing.

In the original decision the landlord was granted an order for possession, a monetary order and an order to retain the tenant's security deposit in partial satisfaction of the monetary claim. On August 24, 2012 the tenant applied to review the August 14 decision and orders. By decision dated September 10, 2012 the tenant's application for review was granted, the original decision and orders were suspended and a new hearing was ordered to be held by conference call on October 5, 2012 at 1:00 P.M. I was appointed to conduct the review hearing. On October 5, 2012 the tenant called in to the hearing. The landlord did not call in and did not participate in the hearing. I adjourned the hearing on October 5, 2012 at the request of the tenant and because I was not satisfied that the landlord had been served with notice of the hearing. The tenant requested the adjournment to allow her the opportunity to submit additional evidence. The hearing was rescheduled to be heard at 9:00 A.M. on November 15, 2012. An interim decision and Notice of the new hearing date with conference call-in particulars was mailed to the tenant. The landlord's representative testified at the reconvened hearing that the tenant delivered a copy of the Notice of today's hearing to Mr. G.R., the landlord's building manager. He said that he also received notice of this hearing from the Residential Tenancy Branch.

The landlord's representative testified that he was not served with notice of the hearing scheduled for October 5, 2012.

I kept this conference call hearing open for 15 minutes after the scheduled start time, but the tenant did not call-in, although she had notice of the hearing, having delivered a copy of the Notice of hearing to the landlord. I note that the tenant did not submit any additional evidence although the adjournment was granted for that purpose.

Analysis and Conclusion

This was to be a review hearing conducted as a new hearing. In the absence of an appearance by the tenant and in the absence of any testimony from the tenant to contradict the findings of the August 14, decision, I confirm the original decision and orders in this proceeding dated August 14, 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: November 15, 2012.

Residential Tenancy Branch