



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding British Columbia Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction and Analysis

This hearing was convened as a result of the tenant's successful application for review regarding the Decision and order of possession for the rental unit issued against him on January 31, 2013, with respect to the tenant's original application for dispute resolution.

The tenant's original application was set for hearing on January 31, 2013, and the tenant failed to appear. The landlord's agent appeared, the hearing proceeded in the tenant's absence, resulting in a dismissal of the tenant's application for dispute resolution and an order of possession for the rental unit being issued in favour of the landlord.

On February 5, 2013, the tenant applied for a review of that Decision and order of possession alleging he was unable to attend due to circumstances that could not be anticipated and beyond his control.

The reviewing Arbitrator granted the tenant's application for review, suspended the Decision and Order of January 31, 2013, and granted the tenant a review hearing for an opportunity to be heard. The Arbitrator further ordered that the tenant serve the landlord with a copy of her review Decision and Notice of Hearing documents within 3 days of the receipt of her Decision.

The review hearing was scheduled to be heard by telephone conference call hearing at 9:00 a.m. on March 12, 2013.

The hearing began at 9:00 a.m. as scheduled and the telephone system remained open and was monitored for 12 minutes. During this time, only the landlord's agent dialed into the telephone conference call hearing and presented that she was ready to proceed.

The landlord's agent also mentioned that the tenant had not served the landlord with a copy of the review Decision and Notice of Hearing documents; however the landlord learned of the hearing via a phone call to the Residential Tenancy Branch ("RTB").

The landlord's agent also mentioned that the tenant has now vacated the rental unit.

Conclusion

In the absence of the tenant to present his evidence, I find the Decision and order of possession for the rental unit issued on January 31, 2013, in favour of the landlord should be and they are hereby reinstated.

This decision on review 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: March 12, 2013

Residential Tenancy Branch

