



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

On March 21, 2013, an Arbitrator of the Residential Tenancy Branch (RTB) issued a decision (the original decision) and Orders regarding the landlord's application for:

- an early end to this tenancy and an Order of Possession pursuant to section 56; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The Arbitrator issued an Order of Possession effective at 8:00 p.m., March 21, 2013. She also issued a monetary Order in the landlord's favour in the amount of \$50.00.

On March 22, 2013, the RTB received an application for review of the original decision and orders pursuant to section 79(2) of the *Residential Tenancy Act* (the *Act*). The tenant applied for review on the grounds that he was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond his control and that he had evidence that the original decision and/or order was obtained by fraud.

On April 3, 2013, another Arbitrator issued a review decision in which she suspended the original decision and Orders and ordered a new hearing of the landlord's application. She provided the following direction in her decision and attached the Notice of Hearing for a teleconference hearing to be held at 9:30 a.m. on April 22, 2013.

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 with proof of the service of the documents, 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 orders. I also order the tenant to serve upon the landlord all documents submitted in support of his application for review.

Each party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the new hearing. Fact sheets are available at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx> that explain evidence and service requirements...

Pursuant to sections 58 and 82 of the *Act*, I was designated to conduct a new hearing of the landlord's application. Neither party attended at the appointed time set for the hearing, although I waited until 9:45 a.m. to enable them to participate in this hearing scheduled for 9:30 a.m.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, in the absence of anyone attending this hearing and in accordance with section 82(3) of the *Act*, I confirm the original decision and Orders.

Conclusion

The original decision and Orders of March 21, 2013 are confirmed.

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: April 22, 2013

Residential Tenancy Branch