



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW DECISION

Dispute Codes MND, MNR, MNSD, MNDC

Introduction

On March 19, 2013, this matter was scheduled for a dispute resolution hearing. The Arbitrator made a decision which granted the landlord a monetary order.

On June 11, 2013, the tenant (JD) made an application for review consideration, which was granted on the basis that they were unable to attend at the original hearing because of circumstances that could not be anticipated and were beyond their control.

On July 4, 2013, the Arbitrator ordered that the parties participate in a new hearing, and the monetary order issued to the landlord was suspended. The tenant (JD) was required to serve the landlord with the Notice of Hearing.

The tenant (JD) testified that on August 1, 2013, they sent the Notice of Hearing by registered express post mail, a Canada post tracking number was provided as evidence.

Section 90 of the Act determines that a document served in this manner is deemed to have been served five days later. I find the landlord has been served in accordance with the Act.

This review hearing was convened in response to an application by the landlord.

This matter was set for review hearing by telephone conference call at 2:00 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 tenant. Therefore, as the landlord did not attend the hearing by 2:10 P.M, and the tenant appeared and was ready to proceed, I dismiss the landlord's application without leave to reapply.

As a result, I find the original decision and order made on March 19, 2013, must be set aside.

Conclusion

The original decision and order made on March 19, 2013, are set aside.

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: August 12, 2013

Residential Tenancy Branch

