



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD

Introduction and Background

This hearing was convened as a result of the landlord's successful application for review consideration of a Decision and monetary order in favour of the tenant, dated September 11, 2013.

The tenant's application for dispute resolution was set for hearing on September 11, 2013, and was conducted in the landlord's absence, though found to be duly served the tenant's application and Notice of Hearing as required under the Residential Tenancy Act (the "Act"). A Decision by the original Arbitrator was entered on September 11, 2013, finding in favour of the tenant's application for dispute resolution and granting the tenant a monetary order in the amount of \$3910.28.

On October 25, 2013, the landlord filed an application for review consideration of the September 11, 2013, Decision based upon her allegations that she unable to attend the original hearing because of circumstances that could not be anticipated and were beyond her control, that she had had new and relevant evidence that was not available at the time of the original hearing, and that she had evidence that the director's decision or order was obtained by fraud.

The landlord was granted a new hearing in a Review Consideration Decision by another Arbitrator dated November 8, 2013, and the Decision and Order of September 11, 2013 were suspended pending the review hearing. The reviewing Arbitrator found that the landlord provided sufficient evidence to be entitled a review hearing based upon her allegations that the Decision of September 11, 2013, was obtained by fraud.

The reviewing Arbitrator further ordered that the landlord serve the tenant with a copy of Review Consideration Decision, all of the landlord's evidence provided with the application for review consideration and the Notice of Review Hearing documents within 3 days of the receipt of her Decision.

Analysis and Conclusion

This review hearing was scheduled to be heard by telephone conference call hearing at 1:00 p.m. on January 8, 2014.

The hearing began at 1:00 p.m. as scheduled and the telephone system remained open and was monitored for 10 minutes.

During this time, the landlord did not dial into the telephone conference call hearing; however the tenant and his advocate were present and ready to proceed with the hearing.

It is noted that the tenant filed documentary evidence for this review hearing as instructed by the Review Consideration Decision; however included with the tenant's evidence was his statement that the landlord never provided him with any evidence or notice of this hearing. The tenant submitted that he only learned of the hearing when receiving notice of the same by the Residential Tenancy Branch ("RTB").

In the absence of the landlord to present her evidence at the review hearing which had been granted on her successful application for review consideration, I find the Decision and the monetary order issued on September 11, 2013, in favour of the tenant should be and they are hereby 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* and is being mailed to both parties.

Dated: January 08, 2014

Residential Tenancy Branch

