



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Raamco International Properties Canadian Ltd. & Gorge View Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This dispute resolution process originated upon the landlord's application for a direct request proceeding pursuant to section 55(4) of the Residential Tenancy Act (the "Act"), for an order of possession for the rental unit due to unpaid rent and a monetary order for unpaid rent.

The landlord's application was successful, as the original Arbitrator awarded the landlord a monetary order for unpaid rent for February 2014 in the amount of \$890 and an order of possession for the rental unit due to unpaid rent in a Decision dated March 3, 2014.

On March 11, 2014, the tenant filed an application for review consideration of the Decision and orders of March 3, 2014, which resulted in a favourable decision.

The reviewing Arbitrator, in a Review Consideration Decision dated March 11, 2014, suspended the original Arbitrator's Decision and orders of March 3, 2014, until such time as a new hearing on the landlord's application is conducted. The tenant's application for review consideration alleged that he had evidence that the Decision of March 3, 2014, was obtained by fraud, pursuant to Section 79(2) under the *Residential Tenancy Act*, as he claimed that the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") served upon him was altered.

The reviewing Arbitrator granted the tenant a new hearing based his finding that a potential for fraud existed in obtaining the Decision and orders of March 3, 2014. The reviewing Arbitrator ordered the tenant to serve the landlord a copy of the Review Consideration Decision and Notice of Hearing documents within 3 days of receiving his Decision.

Analysis and Conclusion

This new hearing, which was granted based upon the tenant's successful application for review consideration, was scheduled to be heard by telephone conference call hearing at 9:00 a.m. on April 29, 2014.

The hearing began at 9:00 a.m. as scheduled and the telephone system remained open and was monitored for 10 minutes.

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

In the absence of the tenant to present his evidence at the new hearing which had been granted and scheduled on his successful application for review consideration, I find the Decision, the order of possession for the rental unit, and the monetary order issued on March 3, 2014, in favour of the landlord 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: April 29, 2014

Residential Tenancy Branch

