



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR & OPR

Introduction

This is a re-hearing of an application by the landlord originally determined on March 11, 2014 by way of a direct request. The landlord was successful and was granted an Order of Possession and a Monetary Order based on a 10-Day Notice to End Tenancy for Unpaid Rent. The respondent tenant made a successful Review Consideration application and a re-hearing was scheduled for today.

Along with the Review Consideration Decision the tenant was provided with copies of Notices of Re-hearing to be served on the landlord by the tenant “***within 3 days***” of receiving the Review Consideration Decision.

Preliminary Matter

This matter was set for a re-hearing by telephone conference call at 1:00 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and neither participant called into the hearing during this time.

Therefore, as neither the applicant nor the respondent attended the hearing, I find that I cannot proceed with this matter on the basis that there were no attendees present and there is no way to determine whether or not the landlord was ever properly served with the Review Consideration Decision and the Notice of Rehearing by the tenant, as ordered in the Review Consideration decision dated March 24, 2014.

Accordingly, I hereby reinstate the original hearing decision, Order of Possession and Monetary Order issued in favour of the landlord in the original decision dated on March 11, 2014.

Conclusion

The re-hearing cannot proceed due to the tenant's failure to prove that the Notice of Re-Hearing was served on the landlord and the fact that neither party appeared. The original Decision and Orders dated March 11, 2014 are therefore re-instated and in full effect.

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: May 14, 2014

Residential Tenancy Branch

