



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **INTERIM REVIEW HEARING DECISION**

### Dispute Codes

MT, CNC, CNR, MNR, MNDC, OLC, ERP, RP, LRE, RR, FF

### Introduction

This review hearing was scheduled to deal with an application by the tenants for the following:

- more time to make application to cancel a notice to end tenancy
- to cancel a notice to end tenancy for cause
- to cancel a notice to end tenancy for unpaid rent
- a monetary order for the cost of emergency repairs
- a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement
- an order that the landlord comply with the Act, Regulation, or tenancy agreement
- an order that the landlord make emergency repairs for health or safety reasons
- an order that the landlord make repairs to the unit
- an order to suspend or set conditions on the landlord's right to enter the rental unit
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided

A Review Consideration Decision was issued on May 8, 2014 in response to the landlord's application for a review of the March 26, 2014 decision. The Review Consideration Decision granted the landlord's application for review and directed that the review proceed by conducting a new hearing.

The Review Consideration Decision states:

"I enclose with this decision copies of a notice of hearing for the review hearing to be conducted by conference call at 9:00 A.M. on June 19, 2014. The landlord must serve the tenants with a copy of this decision and the enclosed notice of hearing either personally or by registered mail pursuant to section 89(1) of the *Residential Tenancy Act*."

The Review Consideration Decision was mailed to both parties by the RTB.

The landlord attended the teleconference hearing and gave evidence, however the tenants did not attend. The landlord gave evidence that one of the tenants called him the morning of the

review hearing to advise the landlord that she did not receive the Notice of a Dispute Resolution Hearing for the Review Hearing.

The landlord gave evidence that he overlooked the requirement in the Review Consideration Decision that he serve the tenants with the Review Consideration Decision and notice of hearing.

The landlord gave evidence regarding the issues raised by the tenants' application. I have not summarized the landlord's evidence here for reasons below.

I find that the tenants had actual knowledge of the Review Hearing, since they were mailed a copy of the Review Consideration Decision by the RTB. However, the tenants were not served by the landlord as required by the Review Consideration Decision. I find the tenants took paltry advantage of the landlord's misstep. While I have not summarized the landlord's evidence, I found it compelling. For these reasons, I find the objective of fairness is best served by reconvening the Review Hearing.

Accordingly, the original decision and orders will remain suspended pending the outcome of the review.

I enclose with this decision copies of a notice of hearing for the review hearing to be conducted by conference call at 10:30 a.m. on September 25, 2014. **The landlord must serve the tenants with a copy of this decision and the enclosed notice of hearing either personally or by registered mail to the address the tenants provided on their Application for Dispute Resolution.** If the address on the Application for Dispute Resolution is no longer the tenants' address for service, the tenants must immediately advise the landlord of their new address for service or the tenants will be deemed to have been served at the address on the Application for Dispute Resolution.

If the landlord fails to serve this decision and the new notices of hearing on the tenants, the reviewing arbitrator may decide to confirm the original decision.

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: July 25, 2014

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Residential Tenancy Branch

