



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kenmark Investments Ltd.
and [tenant name suppressed to protect privacy]

REVIEW DECISION

Dispute Codes OPR

Introduction

This was a review hearing with respect to the landlord's original application by direct request proceeding. By decision dated May 26, 2014 the landlord was granted an order for possession effective two days after service. The tenant applied to review the original decision and order; she alleged that the decision was obtained by fraud, based on her assertion that the landlord falsely claimed that the tenant had been served with documents by the landlord. On June 4, 2014 an arbitrator granted the tenant's application for review and ordered that the original decision and order be suspended until the review was conducted by holding a participatory conference call hearing.

After the application for review consideration was granted the landlord submitted an amended application for dispute resolution seeking to add a claim for a monetary order to its original claim for an order for possession.

The review hearing was conducted by conference call. The landlord's representative and the landlord's agent called in and participated in the hearing. The tenant did not attend the hearing and the landlord's representative testified that the tenant has moved out of the rental unit, the tenancy has ended and the landlord has vacant possession of the unit.

Issue(s) to be Decided

Should the May 26, 2014 decision and order be confirmed, varied or set aside?
Is the landlord entitled to amend its claim to seek a monetary award on this application?

Background and Evidence

The tenant failed to attend upon this review hearing even though the hearing was the result of the tenant's successful application for review consideration. There is no

evidence to support her contention that the original decision and order were obtained by fraud.

Analysis and conclusion

In the absence of an appearance by the tenant at the hearing of this application, the original decision and order dated May 26, 2014 be and are hereby confirmed.

The landlord is not able to amend the application for dispute resolution to add a claim after the original decision was pronounced. The landlord has leave to file a new application to claim a monetary order

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 30, 2014

Residential Tenancy Branch

