



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW HEARING DECISION

Dispute Codes      OPL MND MNDC MNR O FF

### Introduction and Analysis

This hearing dealt with a review hearing granted based on the application of the tenant of the landlord's original Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") which resulted in a monetary order for the landlord in the amount of \$4,118.31.

On June 19, 2014, an Arbitrator issued a decision granting the landlord a monetary order of \$4,118.31 against the tenant. On July 18, 2014, the tenant applied for a review consideration of the June 19, 2014 decision and order, citing that the tenant was unable to attend the hearing due to circumstances that were beyond their control and could not be anticipated, and that the decision was obtained by fraud on the part of the landlord. On August 6, 2014, a different Arbitrator suspended the original decision and order dated June 19, 2014, pending the outcome of the Review Hearing which was ordered as a new hearing.

In the August 6, 2014 review consideration decision the Arbitrator writes in part:

"Each party **must** serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the new hearing. Fact sheets are available at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx> that explain evidence and service requirements. If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

**Lower Mainland:** 604-660-1020

**Victoria:** 250-387-1602

**Elsewhere in BC:** 1-800-665-8779..."

[reproduced as written]

During the review hearing, the daughter of the tenant, S.K., asked how long the hearing would be as her mother had to leave to attend a specialist appointment. The tenant did not request an adjournment.

The landlord and the tenant failed to submit any documentary evidence on the Residential Tenancy Branch in accordance with the Rules of Procedure. The tenant's daughter, S.K., testified that they served the second package late but that there was a first package served also. When S.K. was asked when the first package was served, S.K. stated that she did not have that information. I note that two packages from the tenant were not received, and that only one package was received two days prior to the hearing and not in accordance with the direction of the Arbitrator in the August 6, 2014 review consideration decision.

As the landlord and the tenant did not submit any documentary evidence in accordance with the Rules of Procedure and in accordance with section 82 of the *Act*, **I confirm** the original decision and monetary order dated June 19, 2014 and are in **full force and effect**.

#### Conclusion

The original decision and monetary order dated June 19, 2014 have been confirmed and are in full force and effect.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: September 17, 2014

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Residential Tenancy Branch

