



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPC, FF

Introduction

This hearing was convened in response to an application by the tenant and a cross application by the landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The tenant applied for:

- An Order cancelling a One-Month Notice to End Tenancy for Cause

The landlord applied for:

- An Order of Possession based on the One-Month Notice to End Tenancy.

A previous hearing was held in which the landlord was successful in being granted an Order of Possession. The tenant subsequently made an application seeking a review of the decision. Review consideration was successful and a re-hearing was scheduled, which is before me today.

Along with the Review Consideration Decision rendered on July 30, 2014, 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 July 30, 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 July 18, 2014.

Conclusion

The review 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 July 18, 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: October 7, 2014

Residential Tenancy Branch

