



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding POLO HOTEL LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for an order of possession for unpaid rent pursuant to section 55.

The tenant did not attend this hearing, although I waited until 1120 in order to enable the tenant to connect with this teleconference hearing scheduled for 1100. The landlord's agent attended the hearing.

The teleconference was originally scheduled for hearing codes that were already in use. The landlord was instructed to enter into a second teleconference and was provided with those codes. The arbitrator using the original codes was provided with the new codes to provide to the tenant in the event that he attended on that line. I monitored both the original line and the second line until 1120. The tenant was not observed on either line.

At the hearing, the agent informed me that he had not been served with the review consideration decision or the notice of reconvened hearing by the tenant. The agent informed me that he received the documents from the Residential Tenancy Branch when he attended at the Branch for another reason.

Procedural History

The landlord made its application by way of direct request. In a decision dated 17 May 2016 (the Direct Request Decision), the landlord was granted an order of possession.

The tenant applied for review consideration. In a decision dated 30 May 2016 (the Review Decision) the tenant was granted his application for review consideration and a

new hearing was reconvened for today's date. In the Review Decision the arbitrator made the following orders:

Therefore, I allow the tenant's application for review and order that a new hearing be conducted. The original decision and order made on May 17, 2016 are suspended pending the outcome of the review hearing.

Notices of the time and date of the review hearing are included. The tenant must serve the landlord with this Review Consideration Decision, and copy of the notice of review hearing within 3 days of receipt of this Decision.

...

Therefore, I find the Decision and order made on May 17, 2016, are suspended until the outcome of the reconvene hearing. The tenant's application for review is granted.

Analysis

Pursuant to paragraph 81(1)(c) of the Act, at any time after an application for review of a decision or order of the director is made, an arbitrator may dismiss an application where the applicant fails to pursue the application diligently or does not follow an order made in the course of the review.

The tenant did not serve the landlord with the Review Decision or notice of reconvened hearing as ordered. The tenant did not attend the reconvened hearing. I find that by failing to comply with the order and by failing to attend at the reconvened hearing, the tenant has failed to pursue his application diligently and did not follow an order made in the course of the review. For this reason, I dismiss the tenant's application for review consideration and confirm the Direct Request Decision.

Conclusion

The Direct Request Decision is confirmed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: July 05, 2016

Residential Tenancy Branch