



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent only.

The matters in the landlord's Application for Dispute Resolution were originally adjudicated in a hearing on July 20, 2016. After that decision the arbitrator wrote a decision on the same date. The tenant then applied for Review Consideration and was granted a new hearing on the ground that she had been unable to attend the hearing for reasons beyond her control.

In the Review Consideration Decision issued on August 19, 2016 the arbitrator wrote that the tenant has stated in her Application for Review Consideration: "...that she did not receive mail to notify of the dispute resolution hearing. She wrote that the landlord has control of her mailbox and is manipulating and withholding her mail..."

The landlord's agent testified that they received the Notice of Hearing documents from the tenant after she had mailed them by registered mail to the landlord on August 31, 2016. The landlord has submitted a photograph of the envelope and copy of Notice of Hearing from that mail from the tenant.

As such, I find the tenant was aware of this date; time; and access code of this hearing before the landlord had even been informed of the hearing and that it was the tenant who served the landlord with notice of this hearing. As such, I find the tenant was very aware of this hearing and how to access the conference call and as failed to attend the hearing.

As this hearing resulted from the tenant's Application for Review Consideration the purpose of the hearing was to confirm, set aside, or vary the original decision of July 20, 2016.

Issue(s) to be Decided

The issues to be decided are whether the decision of July 20, 2016 that granted the landlord an order of possession and recovery of the filing fee from the tenant for the cost of the Application for Dispute Resolution should be confirmed, varied, or set aside, pursuant to Sections 82 of the *Residential Tenancy Act (Act)*.

Conclusion

In the absence of the tenant to provide any evidence to justify why the decision of July 20, 2016 should be altered in any way, I confirm the July 20, 2016 decision and orders remain in full force and effect. The landlord is entitled to enforce the order of possession issued on July 20, 2016 and to retain \$100.00 from the security deposit.

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 05, 2016

Residential Tenancy Branch