



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SUTTON MAX REALTY & PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes MNSD

Introduction and Analysis

This hearing dealt with a Review Hearing of the tenant's original Application for Dispute Resolution (the "Application") pursuant to the *Residential Tenancy Act* (the "Act"), seeking a monetary order for the return of the security deposit and pet damage deposit.

On September 7, 2016, an arbitrator issued a decision granting the tenant a monetary order against the landlord in the amount of \$1,518.00 which reflected a total monetary claim of \$1,680.00 less the amount already paid by the landlord in the amount of \$161.92. The landlord did not attend the hearing, and applied for a Review Consideration of the September 7, 2016 decision and order. On September 26, 2016, another arbitrator suspended the decision and order dated September 7, 2016 until such time that the decision and order are set aside, varied or confirmed.

An agent for the landlord (the "agent") attended the Review Hearing scheduled this date Friday, November 18, 2016 for 9:30 a.m. Pacific Time. The tenant did not attend the Review Hearing. The agent testified that the tenant was served with the Notice of Review Hearing, a copy of the Review Consideration Decision and the landlord's documentary evidence by registered mail on October 3, 2016. A copy of the registered tracking number was provided in evidence and has been included on the cover page of this decision for ease of reference. The agent testified under oath that the tenant signed for an accepted the registered mail package on October 9, 2016 which is supported by the online Canada Post registered mail tracking website. Therefore, I find the tenant had knowledge of the Review Hearing and was served sufficiently for the purposes of the *Act*.

As the tenant failed to attend the Review Hearing which is a new hearing, and the landlord agent did attend and was ready to proceed, **I set aside** the original decision and monetary order dated September 7, 2016. **I dismiss** the tenant's application in **full, without leave to reapply**.

Conclusion

The original decision and monetary order dated September 7, 2016 are set aside and are of no force or effect.

The tenant's application is dismissed without leave to reapply.

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: November 18, 2016

Residential Tenancy Branch