



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding TEAM 3000 PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## **REVIEW DECISION**

Dispute Codes      CNC, MNR, FF

### Introduction

On January 9, 2017, a conference call hearing was held to hear the Landlord's Application for Dispute Resolution (the "Application") for an Order of Possession for cause and a Monetary Order for unpaid rent including the filing fee.

The Arbitrator who conducted that hearing considered the evidence of both parties and granted the Landlord's request for an Order of Possession and unpaid rent for December 2016 and January 2017 including the filing fee for a total of \$1,500.00. That Arbitrator gave permission for the Landlord to retain the Tenant's security deposit and was issued with a Monetary Order for the remaining balance of \$1,150.00. The Arbitrator's full findings were then detailed in a Decision rendered on the same day.

However, the Tenant applied for a review of the January 9, 2017 Decision on the basis that it was obtained by fraud. On February 2, 2017, the Arbitrator who had conduct of the Tenant's review application determined that the Tenant had disclosed evidence that the Monetary Order for unpaid rent may have been obtained by fraud. In a Review Consideration Decision dated February 2, 2017, the Tenant's request for a new hearing was granted but only to determine the matter of unpaid rent in this review hearing.

The reviewing Arbitrator directed the Tenant to serve notice of this review hearing and a copy of the Review Consideration Decision to the Landlord. However, there was no appearance by the Tenant or the Landlord for this review hearing which started at 9:30 a.m. despite the telephone line being left open and monitored for ten minutes.

### Analysis & Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend the hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss an Application, with or without leave to re-apply.

In addition, Section 81(4) of the *Residential Tenancy Act* states within three days of receiving a Review Consideration Decision, or within a different period specified by the Director, the review applicant, in this case the Tenant, must give the other party a copy of the Decision.

As neither party called into the conference call by 9:40 a.m., I find the Tenant failed to appear for this review hearing and present the merits of the evidence relied upon to obtain the Review Consideration Decision that sought to overturn the January 9, 2017 Decision.

As the Tenant was granted this review hearing and failed to appear for it, I find the original Decision and Monetary Order dated January 9, 2017 is confirmed and remains in full force and effect pursuant to Section 82(3) of the Act.

This Review 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: March 08, 2017

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Residential Tenancy Branch

