



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW HEARING DECISION**

### **Dispute Codes**

CNC, LAT, LRE, MNDC, OLC

### **Introduction**

This Review Hearing was convened in response to a successful application for Review by one of the respondents to the original application (Review applicant) on the basis of fraud. The tenant's original application was heard in the absence of respondents.

The original applicant tenants were provided with a copy of the Notice of a Review Hearing along with the Review Consideration Decision granting the new hearing sent on February 08, 2017. The tenant, however, did not attend the Review hearing set for today at 11:00 a.m. The phone line remained open for at least ten minutes and was monitored throughout this time. The only parties to call into the hearing were the respondent and Review applicant and their tenant.

The Review Consideration Decision suspended the original Decision and Order dated January 17, 2017 in accommodation of this Review Hearing. The Review Consideration Decision further guided the Review applicant to serve the tenants with the Review Decision at their mailing address provided; and, for the tenants to serve the Review applicant and the claimed co-landlord with their original application to their respective mailing addresses as provided. I accept the Review applicant's evidence they served the tenant by registered mail for which they provided a tracking number. Both individuals in attendance stated they had not received anything from the tenant.

The Review applicant stated they had never heard of the applicant tenants and their actual tenant stated they have never heard of the co-respondent's name on the *style of cause* and at no time entered into a tenancy agreement with the tenant applicants.

### **Analysis and Conclusion**

On the limited undisputed evidence provided in this Review Hearing I find no basis to establish a tenancy agreement existed with either of the respondents in this matter. Moreover, as the tenant did not attend the hearing to defend their application or assertions, following the ten minute waiting period the application of the tenant was **dismissed**, without leave to reapply and the proceeding set aside.

I Order that the original Decision and Monetary Order dated January 17, 2017 are set aside and of no force or effect.

**This Decision is final and binding.**

*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: April 11, 2017

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Residential Tenancy Branch