



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LI-CAR MANAGEMENT GROUP  
and [tenant name suppressed to protect privacy]

## **REVIEW HEARING DECISION**

Dispute Codes      OPR, MNR

### Introduction

On March 21, 2017 a non-participatory hearing took place to determine an Application for Direct Request (the "Application") made by the Landlord on March 14, 2017 for an Order of Possession and a Monetary Order for unpaid rent. The Adjudicator who had conduct of the non-participatory hearing rendered a written decision and issued the Landlord with an Order of Possession and a Monetary Order for unpaid rent in the amount of \$60.00.

On March 27, 2017, the Tenant applied for a review of the Direct Request Decision dated March 21, 2017 on the basis that it was obtained by the Landlord using fraud.

On April 3, 2017, the Arbitrator who had conduct of the Tenant's review application determined that there was sufficient evidence to indicate the rent amount awarded to the Landlord may not be correct. As a result, the Tenant was granted this review hearing to determine the amount of rental arrears in this tenancy. However, the review decision determined that the Order of Possession remained in full force and effect as the Tenant was not successful in proving that the notice to end tenancy for unpaid rent was invalid.

As a result, the Monetary Order dated March 21, 2017 was suspended until the outcome of this review hearing. The Tenant was provided notices of this hearing to serve to the Landlord. However, there was no appearance by the Tenant or the Landlord for this hearing 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 the Application, with or without leave to re-apply.

The Tenant failed to appear and provide evidence that she had served the Landlord with notice of this review hearing. Therefore, I am unable to determine if the Landlord had been properly put on notice of this review hearing. In addition, the Tenant failed to present the rebuttal evidence to the Landlord's monetary claim which was the basis on which the Tenant was granted relief via this review hearing.

Therefore, pursuant to Section 82(3) of the *Residential Tenancy Act*, I confirm the March 21, 2017 Decision and Monetary Order which remains in full force and effect. As the Tenant failed to appear, the Tenant's Review Hearing is dismissed without leave to re-apply.

This Review Hearing 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: May 10, 2017

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Residential Tenancy Branch