



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes MNR OPR

Background

On May 30, 2017, as a result of a Direct Request, the landlord received an Order of Possession against both tenants and a Monetary Order for \$2000 against the respondent C. M., tenant.

On June 2, 2017,, the Residential Tenancy Branch received an Application for Review from C. M., Tenant. He alleged that the landlord had obtained the Decision and Orders by fraud. The tenant was granted a review *pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended*.

This hearing is convened as a Review Hearing in response to the tenant's allegations and submissions of evidence in support.

Introduction:

Neither party attended the hearing. After waiting 15 minutes with no attendance, a Decision was made.

Background and Evidence:

On May 30, 2017 in an ex parte hearing, the landlord received an Order of Possession against both tenants and a Monetary Order for \$2,000 against the respondent tenant, C.M. On June 2, 2017, C.M. submitted an Application for Review alleging the landlord obtained the Decision and Orders by fraud. The Review Consideration Decision granted C.M. this Review Hearing. None of the parties attended the hearing.

Analysis:

The tenant, C.M., did not attend to support his allegation of fraud. In examining the landlord's documents, I find the landlord provided proof of personal service of the 10 Day Notice to End Tenancy contrary to what the C.M. alleged.

C.M. alleged he never got the Notice and had paid the outstanding rent. He provided no independent evidence to confirm he never received the 10 Day Notice. His proof

that he paid the outstanding rent was a handwritten, unsworn note from an unknown person to say he had seen C.M. give the landlord the rent to the landlord. He did not attend this hearing to support his statements.

I find insufficient evidence that the landlord obtained the Decision and Orders dated May 30, 2017 by fraud.

Conclusion:

I dismiss the Application of the tenant due to insufficient evidence. **I HEREBY CONFIRM THE ORIGINAL DECISION AND ORDERS MADE MAY 30, 2017. THE DECISION AND ORDERS DATED MAY 30, 2017 STAND.**

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: August 02, 2017

Residential Tenancy Branch