



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW HEARING DECISION**

Dispute Codes      MNR, MNDC, MNSD

### Introduction

On August 24, 2017 a decision and Monetary Order were issued in favour of the tenants. The landlord applied for Review Consideration of the decision and a review hearing was ordered on the basis the landlord was unable to attend the original hearing. The review hearing was set for October 24, 2017 and on that date both the landlord and one of the tenants appeared. On October 24, 2017 I dealt primarily with issues pertaining to delivery of hearing documents. I issued orders to the parties, as reflected in the Interim Decision, and I ordered the review hearing adjourned. The Interim Decision and a Notice of Hearing was mailed to the tenants and emailed to the landlord as requested by the parties. At the reconvened review hearing, only the tenant appeared. The teleconference was left open for 11 minutes to allow the landlord opportunity to appear and during that time he did not. Accordingly, I proceeded to hear from the tenant without the landlord present.

The tenant testified that after the hearing date of October 24, 2017 the tenants did not receive any payment from the landlord. Also, the registered mail that had been sent to the landlord by the tenant was returned to the tenants. As I had ordered, the tenant sent a text message to the landlord on November 5, 2017 informing the landlord that she had the registered mail package for him to pick up. According to the tenant, the landlord responded, via text message, stating someone would come to pick up the package for him. The tenant stated nobody came to pick up the package for the landlord.

### Issue(s) to be Decided

Should the decision and Monetary Order issued on August 24, 2017 be confirmed, varied or set aside?

### Analysis

Where a decision or order is subject to a review proceeding, upon conclusion of the review proceeding, I must confirm, vary or set aside the original decision or order, as provided under section 82(3) of the Act.

In this case, the landlord was given the opportunity to present his position and evidence in response to the tenants' claims against him by way of this review hearing. The landlord did not appear at the reconvened review hearing to do so. As such, I find the landlord has not presented a basis that would cause me to vary or set aside the original decision and Monetary Order of August 24, 2017. Therefore, I conclude the review hearing by confirming the decision and Monetary Order issued in favour of the tenants on August 24, 2017.

The decision and Monetary Order of August 24, 2017 are no longer under suspension and the tenants are at liberty to serve and enforce the Monetary Order upon the landlord.

### Conclusion

The decision and Monetary Order issued on August 24, 2017 are confirmed pursuant to this review hearing. The tenants are at liberty to serve and enforce the Monetary Order dated August 24, 2017 upon the landlord.

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: January 11, 2018

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Residential Tenancy Branch