



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD.  
and [tenant name suppressed to protect privacy]

## **REVIEW HEARING DECISION**

Dispute Codes      ET, FF

### Introduction and Conclusion

This hearing convened as a Review hearing pursuant to section 82 of the *Residential Tenancy Act*. The hearing was scheduled for teleconference hearing at 1:30 p.m. on February 26, 2018. The line was monitored for 17 minutes and the only participant who called into the hearing was the Landlord's Building Manager, J.D.

The Landlord originally applied for an early end to tenancy pursuant to section 56. A hearing occurred on January 15, 2018 wherein, by Decision that same date, the Landlord was granted an Order of Possession. The Tenant applied for review consideration of that decision and, by Review Consideration Decision dated January 26, 2018, was granted a new hearing. The original Decision was granted on the basis of the Landlord's evidence and submissions as the Tenant failed to attend the hearing. The Review Consideration Decision was based on the Tenant's written submissions in the absence of any evidence from the Landlord.

I waited until 17 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides as follows:

#### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

#### **7.2 Delay in the start of a hearing**

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

**7.3 Consequences of not attending the hearing**

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.

**7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, and in the absence of the Tenant, I decline to consider his written submissions filed in support of his application for Review Consideration. The Tenant must attend the hearing to provide oral testimony and submissions.

During the hearing before me the Landlord's representative confirmed her testimony at the original hearing. She also confirmed that she was informed that at one point in time the Tenant removed the exotic pets from the rental unit however she was unaware if those pets had been returned. She stated that in any case, the pets have caused significant damage to the rental unit.

In the absence of any testimony or submissions by the Tenant, I confirm the original Decision and Order of Possession granted on January 15, 2018. I also confirm the Arbitrator's monetary award granting the Landlord authority to retain \$100.00 of the Tenant's security deposit.

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: February 27, 2018

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Residential Tenancy Branch