



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MULTIPLE REALTY LTD.
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes OPRM-DR, FFL

Introduction, Preliminary Matters and Conclusion

This review hearing dealt with a review hearing of the landlord's Application for Dispute Resolution ("application") which was originally submitted through the direct request process under section 55(4) of the *Residential Tenancy Act* ("Act").

On April 23, 2018, an adjudicator granted the landlord an order of possession and monetary order for unpaid rent. This decision should be read in conjunction with this review hearing decision.

On May 7, 2018, the tenant was granted a new hearing based on a successful review consideration application that was approved on the second ground; new and relevant evidence. Both parties were advised that they must serve the other and the Residential Tenancy Branch with any evidence that they intend to rely upon at the new hearing. In the May 7, 2018 review consideration decision which should also be read in conjunction with this review hearing decision, the arbitrator suspended the April 23, 2018 decision and orders pending the outcome of this review hearing.

On this date, June 21, 2018, the review hearing commenced and both the landlord agent and tenant attended and affirmed that since the review consideration decision dated May 7, 2018 was issued, a bailiff acting on the authority of a Writ of Possession granted to the landlord by the supreme court, evicted the tenant and the tenant is no longer residing in the rental unit as a result.

There was no relevant evidence uploaded by the tenant or someone on behalf of the tenant such as the receipts referred to in the review consideration decision for my consideration at this review hearing. The only evidence submitted by the tenant that I note the agent stated they did not receive from the tenant relates to a monetary claim the tenant was attempting to make through the landlord's claim which the parties were

advised was not permitted through the review hearing process and was not properly before me for consideration. I note that the tenant also made mention of a request for an order of possession which was also not properly before me and as a result, I have not considered.

The agent affirmed that he was not served with any evidence by the tenant in response to the review hearing. Therefore, the parties were advised that given that the tenant failed to serve the landlord and the Residential Tenancy Branch with the evidence they intended to rely upon as required in the May 7, 2018 review consideration decision, I **confirm** the original decision dated April 23, 2018 pursuant to section 82(3) of the *Act*. Therefore, the original decision and orders **stand and are of full force and effect**.

The parties were advised that this decision will be emailed to both parties at the email addresses confirmed during this hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: June 21, 2018

Residential Tenancy Branch