



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OPUM-DR, FFL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two tenants did not attend the hearing, which lasted approximately 19 minutes. The landlord's two agents, landlord GS ("landlord") and her assistant "landlord AT," attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord's two agents confirmed that they had permission to speak on behalf of the landlord owner named in this application, as agents at this hearing.

Preliminary Issue - Previous Hearings and Service of Documents

This matter was previously heard by a different Arbitrator on June 6, 2018 and a decision was issued on the same date ("original hearing" and "original decision"). The two tenants did not attend the original hearing, only the landlord did. The original decision granted a two-day order of possession and a \$6,100.00 monetary order to the landlord ("original order of possession" and "original monetary order").

The two tenants applied for a review of the original decision and a new review hearing (this current hearing on July 30, 2018) was granted by a different Arbitrator, pursuant to a "review consideration decision," dated June 8, 2018.

By way of the review consideration decision, the two tenants were required to serve the landlord with a copy of the review consideration decision, the notice of review hearing, and a copy of their review consideration application with evidence, within three days of receiving the review consideration decision.

The landlord confirmed that the two tenants did not serve her with any documents to attend this review hearing. She said that she received a copy of the review consideration decision from the Residential Tenancy Branch ("RTB") directly, not from the tenants. The two tenants did not appear at this hearing to testify as to how the landlord was served with the above required documents.

Accordingly, I find that the landlord was not served with all of the required documents, as per section 89 of the *Act*. Although the landlord received the review consideration decision from the RTB directly, the landlord did not receive the tenant's review consideration application and evidence, as required, to understand why this review hearing was ordered. The review consideration decision stated clearly that the above documents were required to be served by the two tenants to the landlord.

Section 82(3) of the *Act* states:

Following the review, the director may confirm, vary or set aside the original decision or order.

Accordingly, I confirm the original decision, original order of possession and original monetary order, all dated June 6, 2018.

I caution the tenants to review section 79(7) of the *Act*, which states that a party may only apply once for a review consideration:

(7) A party to a dispute resolution proceeding may make an application under this section only once in respect of the proceedings.

Conclusion

The original decision, original order of possession and original monetary order, all dated June 6, 2018, are confirmed.

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: July 30, 2018

Residential Tenancy Branch