



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPILANO PROPERTY MANAGEMENT SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S FFL

Introduction

On July 19, 2018, Arbitrator Wood of the Residential Tenancy Branch (the “RTB”) issued a decision and order regarding the landlord’s application for:

- A monetary order pursuant to section 67 of the Residential Tenancy Act (the “Act”).

The decision and order were suspended by Arbitrator Hendrick on August 2, 2018 who ordered the present review hearing in accordance with section 82(2) of the Act. Arbitrator Hendrick wrote in part:

Notices of the time and date of the hearing are included with this review consideration decision for the TENANT to serve to the LANDLORD within 3 days of receipt of this Decision.

The **TENANT** must serve a copy of this review consideration decision to the landlord.

I order the **TENANT** to serve the landlord with their current address for service, together, with the notice of hearing and decision.

...

Failure to attend the new hearing at the scheduled time and to meet deadlines for the submission and service of evidence may result in a decision being made on the basis of information before the arbitrator and the testimony of the party in attendance at the hearing.

The corporate landlord was represented by its agent at this review hearing. The tenant did not attend the review hearing which lasted approximately 20 minutes. The teleconference line was left open for the duration of the hearing.

Rule 7.1 of the Rules of Procedure provide that:

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

Rule 7.3 outlines the consequences of not attending the hearing as:

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.

Accordingly, in the absence of the respondent I conducted the hearing with the undisputed evidence of the landlord.

The landlord testified that they had not been served with the review consideration decision by the tenant. The landlord further gave evidence that they were not provided with a current service address by the tenant.

I accept the evidence of the landlord that they have not been served by the tenant as required. Therefore, in accordance with section 82(3) of the *Act*, I confirm the original decisions and Orders.

Conclusion

The original decision and Orders of July 19, 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: September 24, 2018

Residential Tenancy Branch