



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes MT, CNR, ERP, OLC, FFT

Introduction

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

- more time to cancel a Notice to End Tenancy, pursuant to section 66;
- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to section 46;
- an Order for emergency repairs, pursuant to section 33;
- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

Neither party attended at the appointed time set for the hearing, although I waited 11 minutes to enable them to participate in this hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called into this teleconference.

Preliminary Issue- Service of Documents and Previous Hearings

This matter was previously heard by a different Arbitrator on November 27, 2018 (the "original hearing") and that Arbitrator drafted a decision dated November 27, 2018 (the "original decision"). Only the tenant attended at the original hearing; the landlord did not. The landlord applied for a review of the original decision on the basis of being unable to attend the original hearing. A new review hearing was granted by another Arbitrator, pursuant to a review consideration decision, dated December 8, 2018 (the "review consideration decision"). This is the new review hearing.

By way of the review consideration decision, the landlord was required to serve the tenant with a copy of the review consideration decision, the notice of review hearing and the written evidence that they submitted with their review application.

In the absence of both parties, I decline to re-hear the tenant's application and find no reason to set aside or vary the original decision. Therefore, I confirm the original decision dated November 27, 2018.

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 25, 2019

Residential Tenancy Branch