



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW HEARING DECISION

Dispute Codes OPC

Introduction

This hearing was scheduled pursuant to the *Residential Tenancy Act* (the Act) in response to a successful application filed by the tenant for review of a decision dated February 26, 2019. In the original decision, the landlord was granted an order of possession based upon an undisputed One Month Notice to End Tenancy. The order of possession and original decision were subsequently suspended pending the outcome of this review hearing.

The landlord's legal counsel attended the hearing and the tenant and the tenant's mother were present with the landlord's legal counsel in his office. The parties were all calling in to the conference call from the same line.

At the outset of the hearing, another person who introduced himself into the conference call as "J.S." was present. As soon as the landlord's legal advised that the tenant was present with him in the room, this other person exited the conference call and did not return.

There were no issues raised with the service of the Notice of Review Hearing and the service of the landlord's original application.

Counsel for the landlord submitted that the review application resulting in this review hearing was not put forward by the tenant but rather the tenant's signature was forged on the application by J.S. The tenant confirmed this to be correct and testified that he did not submit the review application. The tenant also testified that he received the One Month Notice and that he was not disputing the Notice.

As there were concerns with identity fraud, counsel for the landlord offered to produce ID for the parties present with him for the conference call. The tenant and his mother produced ID and agreed that counsel could upload the ID as evidence to the online evidence portal. Due to the unique circumstances of this case and the identity fraud

concerns raised, I permitted the uploading of this ID and upon review I am satisfied that it was the tenant and his mother present with the landlord's counsel.

Analysis

Section 82(3) of the Act specifies that following a Review Hearing, the Director may confirm, vary or set aside the original Decision and any orders made.

As the tenant confirmed that he did not file the review application and that he does not object to the original decision, I find no reason to vary or set aside the original Decision and orders made. Therefore, I hereby confirm the Decision and orders made on February 26, 2019.

Conclusion

For the reasons set out above, I hereby confirm the Decision and orders made on February 26, 2019.

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: May 03, 2019

Residential Tenancy Branch