



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LOOKOUT HOUSING AND HEALTH SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC

Introduction and Analysis

This hearing dealt with a Review Hearing granted based on the application of the tenant of the landlord's original Application for Dispute Resolution (application) seeking remedy under the *Residential Tenancy Act* (the Act) which resulted in an order of possession being granted based on an undisputed 1 Month Notice to End Tenancy for Cause dated September 11, 2019 (1 Month Notice).

On November 4, 2019, an arbitrator issued a decision granting the landlord an order of possession. On November 12, 2019, a different arbitrator suspended the original decision dated November 4, 2019, pending the outcome of the Review Hearing, which was ordered as a new hearing.

On this date, January 7, 2020, a landlord agent ML (agent), a building manager for the landlord JK (building manager) and the tenant attended the Review Hearing. The parties were affirmed and the agent stated that the tenant failed to serve the Review Consideration Decision and Notice of Hearing on the landlord. The agent testified that they were only aware of the Review Hearing as the landlord received a copy of the November 12, 2019 Review Consideration Decision by mail from the Residential Tenancy Branch and that the landlord called into the Residential Tenancy Branch (RTB) to determine what date and time the Review Hearing was being scheduled for and the access code.

During the hearing, the tenant was argumentative and interrupted the arbitrator several times even after being cautioned to cease interrupting. The tenant confirmed that they were served with the 1 Month Notice in person on September 12, 2019. The tenant testified that they did not file an application to dispute the 1 Month Notice, which was agent confirmed. The tenant later attempted to change their testimony by stating they

did file an application; however, was unable to provide a file number or any other supporting details such as the date the tenant filed an application to dispute the 1 Month Notice. The tenant referred to the Review Consideration Decision, which is not an application to dispute the 1 Month Notice.

After 14 minutes, the tenant raised their voice, interrupted the arbitrator again and stated they would just appeal the decision and disconnected from the teleconference hearing. The agent was advised that I would be confirming the original decision and order of possession as there was insufficient evidence before me that the tenant served the landlord with the Review Consideration Decision and insufficient evidence to support the tenant filed an application with the RTB to dispute the 1 Month Notice within 10 days of September 11, 2019 or at all. The hearing lasted a total of 16 minutes.

Pursuant to section 82(3) of the Act, **I confirm** the original decision and order of possession dated November 4, 2019. The original decision and the order of possession are in **full force and effect**.

Conclusion

The original decision and order of possession have been confirmed and are in full force and effect.

This decision will be emailed to the landlord and sent by regular mail to the tenant.

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: January 7, 2020

Residential Tenancy Branch