



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

The Landlord filed an application for direct request, on February 6, 2020, and a decision on that application was rendered on February 18, 2020. An order of possession and a monetary order were issued against the Tenant on February 18, 2020.

Subsequently, the Tenant applied for a review consideration, and he provided evidence to show that the Landlord may not have properly served the Notice of Rent Increase. Since this discrepancy impacted the orders against the Tenant, a new hearing (review hearing) was ordered to resolve this matter. At this point, I have conduct of the review consideration and the review hearing, which was ordered to take place today, May 4, 2020. At this review hearing, I may confirm, vary or set aside the original decision or order.

At this review hearing, on May 4, 2020, the Landlord appeared but the Tenant did not. Having reviewed the totality of the situation before me, I note the Tenant filed a review consideration application to dispute the decision and orders made on February 18, 2020. The Tenant's application for review consideration was accepted and he was given a Notice of Dispute Resolution – Review Hearing, which listed the new date and time for this hearing.

I note the following portion of the Act:

Decision on application for review

81 (1) *At any time after an application for review of a decision or order of the director is made, the director may dismiss or refuse to consider the application for one or more of the following reasons:*

[...]

(c) the applicant fails to pursue the application diligently or does not follow an order made in the course of the review.

I find the Tenant has failed to diligently pursue his application for review, as he failed to attend the review hearing, which was scheduled to address the concerns he raised on his application for review. Given this finding, I dismiss the Tenant's application for review consideration.

Conclusion

The original decision and orders, issued on February 18, 2020, are confirmed and are not varied.

If unpaid rent continues to accrue before the tenancy ends, the Landlord may apply for monetary compensation to recover any amounts not awarded under the decision in February 2020.

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 04, 2020

Residential Tenancy Branch