



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding American Science & Technology Publishers
Corp and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNETC, FF

Introduction, Preliminary and Procedural Matters-

This hearing was convened as the result of the landlord's successful Application for Review Consideration.

This dispute began as a result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act). The tenant applied for:

- Compensation from the landlord related receiving a Two Month Notice to End Tenancy for Landlord's Use of Property (Notice); and
- to recover the cost of the filing fee.

On May 10, 2021, an arbitrator granted the tenant's application and issued the tenant a monetary order for \$12,100, comprised of \$12,000, the equivalent of 12 months' rent due under the tenancy agreement, and \$100 for recovery of the filing fee. That Decision is incorporated herein by reference and should be read in conjunction with this decision.

The landlord failed to attend the original hearing, which was attended by the tenant and his advocate.

The landlord filed the Application for Review Consideration which resulted in a Decision by another arbitrator with the Residential Tenancy Branch (RTB), on June 10, 2021, granting the landlord a review hearing on the original application for dispute resolution. That Decision is incorporated herein by reference and should be read in conjunction with this decision.

In that Decision of June 10, 2021, the parties were informed of the following:

Failure to attend the 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.

At this hearing, the tenant and his advocate attended. The tenant and his advocate confirmed they were not recording the hearing.

The landlord failed to attend the hearing, although they were successful in requesting this hearing.

Issue(s) to be Decided

Should the original Decision and the monetary order dated May 10, 2021, be confirmed, varied, or set aside?

Analysis and Conclusion

The tenant and advocate were present for the hearing, and gave affirmed testimony in support of the tenant's application.

The tenant and his advocate reaffirmed their documentary evidence submitted for the original hearing. The advocate and tenant referred to their evidence showing the rental unit was not used for the stated purpose, as it was sold, rather than being occupied by the landlord.

The original arbitrator considered the undisputed evidence of the tenant, in the landlord's absence at the original hearing, and granted the tenant's application in full.

In light of the landlord's failure to attend this hearing to provide rebuttal testimony and submissions with respect to the tenant's application, I find that the original Decision and the monetary order issued May 10, 2021, must be confirmed.

On this basis, I **confirm** the original Decision of the arbitrator, dated May 10, 2021, pursuant to section 82(3) of the Act, and it remains valid and enforceable. Therefore, the monetary order issued on that date also remains valid and enforceable.

The landlord is cautioned that if they did not voluntarily comply with the monetary order, **costs of such enforcement are subject to recovery from the landlord.**

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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: October 29, 2021

Residential Tenancy Branch