



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Viewmount Suites
and [tenant name suppressed to protect privacy]

REVIEW HEARING DECISION

Dispute Codes MNDC MNSD FF

Introduction

The Landlord initially filed an application for dispute resolution and a hearing occurred in June of 2021. A decision was rendered on June 29, 2021. A monetary order was issued against the Tenants at that time.

Subsequently, the Tenants applied for a review consideration, and provided evidence to show that there may have been fraudulent documents submitted as part of the initial application by the Landlord. A new hearing (Review Hearing) was ordered to resolve this matter.

At a review hearing, I may confirm, vary or set aside the original decision or order.

Preliminary Matters – Service

Both parties attended this hearing, and provided affirmed testimony. The Tenants confirmed receipt of the Landlord's evidence and did not take issue with the service of those documents. The Landlord confirmed receipt of the Tenants' Notice of Reconvened Hearing, which was issued to the Tenants following the successful outcome of their review consideration application. The Landlord stated that she received some evidence from the Tenants but didn't really understand what the reconvened hearing was about because the Tenants failed to include a copy of the Review Consideration Decision in any of her packages sent by registered mail. The Landlord also stated they never got a copy of the Review Consideration Decision from our office.

I note that, following their successful Review Consideration Decision, and after the Notice of Reconvened Hearing was generated, the Tenants stated they mailed two

packages to the Landlord. The first of which the Tenants assert contained all required documentation (copy of Review Consideration Decision, Notice of Reconvened Hearing). The second package they assert contained a few extra photos. Tracking information was provided to corroborate that these packages were mailed and photos of the envelopes were provided by the Tenants. However, the Tenants did not provide any corroborating evidence to show what was included in either of the packages that were mailed. The Tenants assert they included a copy of the Review Consideration Decision. However, the Landlord stated this was not included, which led to confusion as to why this hearing was being held. The Tenants did not itemize and/or take clear photos of what was included in the envelopes they sent to the Landlord.

I note the Review Consideration Decision dated July 15, 2021, sent to the Tenants stated the following:

*Notices of the time and date of the hearing are included with this Review Consideration Decision. The Tenant must serve the attached Notice of Reconvened Hearing to the Landlord within 3 days of receipt of this Decision. **The Tenant must also serve a copy of this [Review Consideration] Decision to the other party.** At the new hearing, the Tenant will be required to demonstrate how the documents outlined above have been served to the Landlord.*

[my emphasis added]

The Tenants were required to serve the Landlord, in accordance with the Act, with a copy of the Review Consideration Decision. However, I find they have failed to sufficiently demonstrate that this was done. I find this led to some confusion in the hearing, which could have easily been avoided. Since the Tenants failed to sufficiently demonstrate that they served the Landlords with the required documents, in accordance with the Act and the Review Consideration Decision of July 15, 2021, I find this Reconvened Hearing is set aside and the previous decision, issue on June 29, 2021, is confirmed.

Conclusion

The decision and order issued on June 29, 2021, is confirmed.

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: November 01, 2021