



## Introduction

This hearing by written submissions dealt with the section 82 review of the Tenant's November 11, 2023, Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for:

- a Monetary Order for the return of all or a portion of their security deposit under sections 38 and 67 of the Act

A written decision was issued on November 24, 2023, approving this Direct Request and issuing a \$ 2,011.97 Monetary Order to the Tenant for payment from the Landlord.

The Landlord applied for a review of this Decision on December 19, 2023.

This request for review was approved and the Decision and Orders of November 24, 2023, were suspended until the parties had opportunity to provide written submissions according to the timeline set out in the January 9, 2024, Decision.

I then inspected this file on January 24, 2024, to determine if either party made written submissions.

## Analysis

I find that the Landlord submitted proof of service of the January 9, 2024, Decision on the Tenant as required by January 12, 2024.

I also find that the Landlord submitted proof of a response from the Tenant acknowledging service on January 13, 2024.

I therefore deem the Tenant served with Notice of the Approved Review as required by the Act and Section 43 of the Regulations. I find that email was an appropriate means of service because the Tenant responded to the Landlord's service by email.

I find that the Tenant did not submit additional evidence within 3 days of receiving these documents on January 13, 2024. They were provided with a 3-day deadline within the terms of the January 9, 2024, decision.

I therefore find that the Landlord successfully established on the balance of probabilities that the Tenant fraudulently obtained the November 24, 2023, Decision and Monetary Order. Both documents are set aside under 82(3) of the Act and cancelled as set out within RTB Policy Guideline 24.

## **Conclusion**

The November 24, 2023, Decision is set aside under 82(3)(c) of the Act.

The November 24, 2023, Monetary Order is set aside under 82(3)(c) of the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: January 24, 2024

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Residential Tenancy Branch