



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW HEARING DECISION**

Dispute Codes      OPRM-DR, FFL

### Introduction and Conclusion

This Review Hearing was convened as a new hearing to consider the landlord's original claim Application for Dispute Resolution ("application") dated August 27, 2018 seeking remedy under the *Residential Tenancy Act* ("Act"). The landlord applied for an order of possession based on an undisputed 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, for a monetary claim of \$2,370.00 for unpaid rent, and to recover the cost of the filing fee.

On September 5, 2018, an adjudicator issued a decision based on the landlord's application through the Direct Request process which resulted in the landlord being granted \$2,370.00 for unpaid rent and \$100.00 for the recovery of the cost of the filing fee. In addition, the landlord was granted an order of possession effective two (2) days after service on the tenant. That decision dated September 5, 2018 should be read in conjunction with this decision.

On September 20, 2018, an arbitrator granted the tenant a Review Hearing based on the tenant's Application for Review Consideration on ground two, new and relevant evidence. That decision dated September 20, 2018 should also be read in conjunction with this decision. In that decision, the parties were ordered to serve any evidence they intended to rely upon at the Review Hearing this date, November 2, 2018 on the other party and to the Residential Tenancy Branch.

At the Review Hearing, the parties confirmed that neither party served evidence that they intended to rely upon at the Review Hearing on the other party **and** the Residential Tenancy Branch ("RTB") as required in the September 20, 2018, Review Consideration decision. At that point in the hearing which was ten minutes into the hearing, the tenant said "well then there is no point" and disconnected from the teleconference hearing. The

tenant was given an additional two minutes to call back into the hearing and failed to do so. Therefore, the agent was advised that since the tenant confirmed they had already vacated which was supported by the agent at the hearing, **I confirm** the original decision dated September 5, 2018 pursuant to section 82(3) of the *Act*. The original decision and orders dated September 5, 2018, **stand and are of full force and effect**. I also note that by disconnecting from the hearing that the original application was not disputed by the tenant as the tenant failed to serve evidence on the other party and the RTB as requested by the September 20, 2018 decision and the tenant failed to attend the entire Review Hearing to provide verbal testimony and respond to questions from the agent and the arbitrator.

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: November 2, 2018

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Residential Tenancy Branch