



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, MNDL, MNDCL, FFL

Introduction

On August 27, 2020 and again October 13, 2020 a hearing was conducted via the conference call between these two parties. Both parties attended the August 27, 2020 hearing, but only the landlord attended the October 13, 2020 reconvened hearing. The landlord was granted a monetary order and recovery of his filing fee in a decision dated October 13, 2020. The tenant, Z.B. applied for a review of this decision. The arbitrator ordered the original decision and accompanying order suspended pending a review hearing for the landlords' application.

This is a review hearing granted for the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for unpaid rent, for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The landlord, B.T. attended the hearing via conference call and provided affirmed testimony. The named tenant, Z.B. attended the hearing via conference call and provided affirmed testimony. The named tenant, C.G. did not attend and was unrepresented. The tenant, Z.B. stated that he is not in contact with C.B. and is not aware if she plans to attend the review hearing.

After waiting 10 minutes past the start of the scheduled hearing time, the review hearing commenced.

The landlord stated that he was not served with the review decision, the notice of hearing package; nor any documentary evidence. The tenant, Z.B. confirmed that he did not serve the landlord with either documents. The tenant, Z.B. also stated that he did not notify the tenant, C.G. nor has he notified her of the review hearing. The tenant, Z.B. stated the he did receive and read the review decision but stated that he did not know how to serve the landlord with the review decision or the hearing package.

A review of the review decision dated November 24, 2020 states in part,

Conclusion

I order that a new hearing of the original application take place. The decision and Monetary Order issued on October 13, 2020 are suspended until the review hearing is concluded.

Notices of the time and date of the review hearing are included with this Review Consideration Decision for the tenants to serve to the landlord within 3 days of receipt of this Decision. The tenants must also serve a copy of this Review Consideration Decision to the landlord. The tenants must serve the landlord with these documents in a manner that complies with section 89(1) of the Act (by giving the documents to the landlord in person or sent to the landlord by registered mail). The tenants must be prepared to prove service at the review hearing.

*For more information see our website at: www.gov.bc.ca/landlordtenant
If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:*

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

I find that the tenant has failed to serve the review decision and the notice of a review hearing that complies with section 89 of the Act. The tenant in fact stated that he did not serve the landlord. On this basis, the landlord has not been properly served. I find that as no service has taken place that I reinstate the original decision and order dated October 13, 2020 granting the landlord a monetary order for \$3,717.53.

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: February 10, 2021