



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ferguson Properties Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **OPR-DR, MNR-DR**

The applicant/landlord requested a correction of a decision issued on January 07, 2022.

Sections 78(1)(a) and (c) of the Residential Tenancy Act (“Act”) enables the Residential Tenancy Branch to:

- correct typographic, grammatical, arithmetic or other similar errors in a decision or order, or
- deal with an obvious error or inadvertent omission in a decision or order.

The section states:

Correction or clarification of decisions or orders

78 (1) Subject to subsection (2), the director may, with or without a hearing,
(a) correct typographic, grammatical, arithmetic or other similar errors in his or her decision or order,
(b) clarify the decision or order, and
(c) deal with an obvious error or inadvertent omission in the decision or order.

(1.1) The director may take the steps described in subsection (1)
(a) on the director's own initiative, or
(b) at the request of a party, which request, for subsection (1) (b) and
(c) must be made within 15 days after the decision or order is received.

(2) A request referred to in subsection (1.1) (b) may be made without notice to another party, but the director may order that another party be given notice.

(3) The director must not act under this section unless the director considers it just and reasonable to do so in all the circumstances.

The landlord requested a correction based on an “inadvertent omission” in the Decision and stated as follows:

Evidence package provided in original submission did not show the complete history of the attempt to contact the participatory hearing on January 7th, 2022 at 9:30

The Decision relating to this hearing on January 7, 2022 stated as follows:

This matter was set for hearing by telephone conference. Neither party attended although I left the teleconference hearing connection open from the scheduled time for an additional ten minutes to enable them to call. I confirmed that the Notice of Hearing provided the correct call-in numbers and participant codes. I also confirmed from the teleconference system that I was the only one who had called into this teleconference.

Accordingly, the landlord’s application was dismissed. **The landlord may reapply.**

The landlord called the RTB later in the day. They stated that they had been unable to call into the hearing although they used the code provided by the RTB. The RTB confirmed the correct code had been provided to the landlord and obtained a report from the conference call provider which indicated that I was the only person that called into the hearing and was on the line from 9:30 to 10:42 AM. The provider found that no other caller had attempted to call into the hearing.

The landlord submitted no documentary evidence of efforts to connect to the hearing in support of the application for correction.

The landlord requested that I correct the Decision to reflect the attempts by the landlord to call in to the hearing.

As I have no evidence that the landlord attempted to call into the hearing, I decline the landlord’s request for a Correction.

The landlord’s application for a Correction is denied.

Conclusion

The landlord's application for a Correction is denied.

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: January 19, 2022

Residential Tenancy Branch