



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## REVIEW CONSIDERATION

### **Introduction**

By application of January 16, 2009, the landlord seeks a Review Hearing of a Decision by Dispute Resolution Officer xxxxxxxxxx dated January 6, 2009 following a hearing on the same date on the landlord's application.

### **Issue(s) to be Decided**

Section 79 of the *Act* provides for the opportunity of a Review Hearing under circumstances in which the applicant:

1. Was unable to attend the original hearing for reasons beyond their control;
2. Has new and relevant evidence not available at the time of the original hearing;
3. Has evidence that the original decision was obtained by fraud.

In this instance, the applicant relies on the provision she was unable to attend the hearing for reasons that could not be anticipated and were beyond her control.

In view of her absence from the hearing and the tenant's attendance, the Dispute Resolution Officer dismissed the application without leave to reapply..

In the application for review, the landlord states that she called the number provided and entered the access code at 9:30 a.m., the designated start time of the hearing. She states that she was placed on hold, where she remained until the tenant called her on her cell phone to advise that the hearing had concluded.

The landlord telephoned and then faxed the Residential Tenancy Branch to report the difficulty and for guidance on how to proceed..

### **Conclusion**

I find that the landlord was unable to attend the conference call hearing for reasons that could not be anticipated and were beyond her control.

Therefore, I hereby grant a Review Hearing at a date and time set out in the attached notice of hearing. In the interim, the decision of January 6, 2009 is suspended pending the outcome of the Review Hearing.

**Date of Decision:** February 9, 2009

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Dispute Resolution Officer