

## **REVIEW DECISION**

This is an application for review filed on February 13, 2009 by the landlord for the review of a Decision dated February 2, 2009 and received according to the Applicant for Review on February 4, 2009.

The applicant relies on section 79(2)(a) of the *Residential Tenancy Act* . Section 79(2)(a) provides that the director may grant leave for review if a party was unable to attend the hearing because of circumstances that could not be anticipated and were beyond the party's control.

The landlord said that his car had mechanical problems as he was driving into the office to attend the conference call hearing on February 2, 2009. So he drove his car into a repair shop instead of continuing his travel into the office. Meanwhile, he tried to find a colleague who could the hearing on his behalf but he was unsuccessful in locating her. To support his claim, the landlord submitted 1) an invoice dated February 2, 2009 from A-1 Unity auto and repair shop showing that repairs were performed on the landlord's car on that day, and 2) a credit card receipt also dated February 2, 2009 showing that he has paid the amount stated on the invoice.

Based on the above, I find that the landlord has proven that he was unable to attend the hearing because of circumstances that could not be anticipated and were beyond his control. The landlord's application is therefore granted. I hereby order that the decision dated February 2, 2009 be suspended until a review hearing has been completed.

Dated March 12, 2009