



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **REVIEW CONSIDERATION**

Dispute Codes: FF MND MNR MNSD

### **Introduction**

This review consideration decision is in response to an application for review by the Tenants pursuant to section 79 of the *Act*. Specifically, the Tenants are requesting a review of the original decision of February 28, 2011, on the basis that:

- (a) A party was unable to attend the hearing because of circumstances that could not be anticipated and were beyond the party's control.

I will consider the reason the Tenants have submitted this review request upon that basis.

### **Issue to be Decided**

Have the Tenants sufficiently demonstrated that they were unable to attend the hearing because of circumstances that could not be anticipated and were beyond their control?

### **Background and Evidence**

In a Decision of February 28, 2011, a Dispute Resolution Officer (DRO) issued a Decision in favour of the Landlord and granted them a monetary order in the amount of \$2,046.15.

In the present application, the Tenants submitted copies of the registered mail receipts for Notices of Hearing and Applications for Dispute Resolution addressed to them for the original hearing and the Canada Post tracking history of the two items.

The Canada Post tracking history deemed the two registered mail items to the undeliverable as addressed.

Due to this tracking history, the Tenants claimed they were unaware of the hearing and therefore could not attend.

## **Analysis**

I find that the Tenants have not met the criteria to grant a review on the basis of being unable to attend due to circumstances that were not anticipated or were beyond the party's control.

Section 89 (1) of the Residential Tenancy Act provides for methods in which Applications for Dispute Resolution must be given, including for the purpose of this Review, by sending a copy by registered mail to the address at which the person resides.

The evidence submitted by the Tenants and the Landlord demonstrates that the Landlord delivered the documents to the Tenants' new address as provided by the Tenants on the move out condition inspection report.

I find that the Landlord served the Application for Dispute Resolution to the Tenants in compliance with the Act and therefore, I **dismiss** the Tenants' application for a review.

I further find, pursuant to Section 81 (1) of the Act, the Tenants' Application discloses no basis on which, even if the submissions in the application were accepted, the decision or order of the director should be set aside or varied.

The original decision and Order of February 28, 2011, stand and remain enforceable.

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: April 20, 2011.

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Residential Tenancy Branch