



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR OPR

This is an application for review filed on April 18, 2011 by the tenant for the review of a decision dated April 12, 2011.

The applicant relies on section 79(2)(a) of the *Residential Tenancy Act* (the “Act”) which 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 applicant stated that he did not receive notice of the hearing prior to the commencement of the hearing. The applicant stated that he was away from the rental unit on the day of the hearing and returned home that afternoon to discover that the notice of hearing had been slipped under the door of the rental unit. The decision shows that the landlord claimed to have served the applicant with notice of the hearing and of his claim by registered mail. However, there is no corroborating evidence in the file showing that registered mail was sent. I am satisfied that the applicant was unable to attend the hearing due to circumstances beyond his control and grant his application for leave for review. I hereby order that the decision and order dated April 14, 2011 be suspended until a review hearing has been completed.

The review hearing is scheduled for **May 19, 2011 at 1:30 p.m.** and will be conducted by telephone conference call.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the party in attendance at the hearing.

As it is unclear whether the tenant now has a copy of the landlord's application for dispute resolution and supporting evidence, I direct the landlord to serve the tenant with copies of those documents no later than Monday, May 2, 2011.

Dated April 21, 2011

Dispute Resolution Officer