



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF OPC

Introduction

The tenant was served with a one month Notice to End Tenancy for repeatedly rent payments on August 16, 2011 that ended the tenancy on September 30, 2011.

The tenant did not vacate the rental unit on September 30, 2011.

A dispute resolution hearing was heard on October 12, 2011 and a decision and an Order of Possession was issued the same date.

This is a request for a review of that decision.

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of the decision. The application must contain reasons to support one or more of the grounds for review:

1. A party was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control.
2. A party has new and relevant evidence that was not available at the time of the original hearing.
3. A party has evidence that the director's decision or order was obtained by fraud.

Issues

The tenant claims that she was unable to attend for reasons that were beyond your control, because her hearing package did not have the notice of hearing letter in it, and she only found out about the hearing date verbally.

Facts and Analysis

The application contains information under Reasons Number 1

The tenant claims that she did not get the notice of hearing letter in her hearing package, however at the original hearing a process server gave direct testimony that the notice of hearing was served on the tenant personally.

Further the tenant has provided no evidence to show that, even had she attended the hearing that the outcome would be any different. She was served with a one month Notice to End Tenancy, and filed no dispute of that notice and therefore she is conclusively deemed to have accepted the end of the tenancy.

Decision

I deny the request for a new hearing,

The decision and orders made on October 12, 2011 stand.

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: October 31, 2011.

Residential Tenancy Branch