



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MND MNDC MNR

Introduction

This is an application by the landlords for a review of the decision of a Dispute Resolution Officer dated October 4, 2011.

Section 79(2) of the *Residential Tenancy Act* states that a party to the dispute may apply for a review of the decision. The application for review must contain reasons to support one or more of the following 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.

In this application, the landlords have applied for review under grounds (a).

Issues

Have the applicants for review provided sufficient evidence to support one of the indicated grounds for review?

Facts and Analysis

The application contains information under Reason (a).

The landlords applied for a review on the basis that they were unable to attend the hearing because of circumstances that could not be anticipated and were beyond their control. Specifically, on the day and time of the hearing the landlords submitted that they dialled into the conference, entered the pass code and were then connected to music. The landlords stated that for the next 25 minutes, nothing further occurred.

The landlords submitted that they repeated the dial-in process again every 15 minutes, for the next hour and 20 minutes, all with no success in connecting to the telephone conference.

I am satisfied that the landlords were unable to attend the hearing due to communication issues with telephone system during the time and day of the telephone conference call, through no fault of their own.

Decision

I find, therefore, that a Review Hearing is warranted. I order that the Decision of October 4, 2011, be suspended until a review hearing has been completed at a time and date set out in the enclosed Notice of Hearing.

Within three days of receiving this decision granting a review hearing, the landlords must serve the tenants with a copy of this decision and the enclosed notice of the time and date of the review hearing.

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 evidence of the party in attendance at the hearing.

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 28, 2011.

Residential Tenancy Branch