



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR MNSD

Introduction

This is an application filed by the landlord on January 3rd, 2012 for review of a Dispute Resolution Officer's decision and order dated December 21st, 2011 on the above noted matter.

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

In this matter the landlord relies on the first ground; unable to attend because of circumstances that could not be anticipated and were beyond her control.

Facts and Analysis

In her application, the landlord states that the notice of hearing package was sent to the wrong address, which caused a delay that resulted in her failure to participate in the conference call. The landlord also states that she has documentary evidence to present.

The landlord provided a copy of the Residential Tenancy Branch business envelope showing a wrong postal code and a stamped notification of "Mail delayed" from the post office.

Based on her submissions I find that the landlord was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond her

control. I also note that this dispute was previously adjourned twice and that on both occasions the landlord did call and attend the hearings.

Decision

The landlord's application for review is allowed. The original decision and order dated December 21st, 2011 is therefore set aside and I order that the review be conducted by reconvening the original hearing.

The parties will be notified of the time, date, and call-in particulars for the new hearing. Take notice that the applicant(s) remains responsible to serve the respondent(s) with the application package and all evidence pursuant to section 89 of the Residential Tenancy Act.

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: January 04, 2012.

Residential Tenancy Branch