



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC

Introduction

The original dispute resolution hearing was held on December 14, 2011 and a decision was issued on that same date. The applicant for review did not attend the original hearing.

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 landlord is arguing that he never received the notice of hearing.

Facts and Analysis

The application contains information under Reasons Number 1

The landlord states that his address for service is a law firm and they are not aware of having received the notice of hearing.

The landlord has pointed out that the respondent's name on the application for dispute resolution has been incorrectly spelled and has provided a letter from the law firm that states that if the name on a document for service does not match the name of one of their clients it may not be accepted.

I reviewed the documents provided, and indeed the respondent's name has been incorrectly spelled. Therefore since the name of the respondent should be correctly spelled is my decision that I will allow this application for review, as I believe it is possible that the documents could not be served due to the incorrect spelling.

Decision

I allow the request for a new hearing and have directed the Residential Tenancy Branch to schedule a new hearing and provide new hearing letters to all parties.

The new hearing letters will be sent by mail to both parties.

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 03, 2012.

Residential Tenancy Branch