



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR OPR

### Introduction

The dispute resolution hearing was held on December 22, 2011, and the decision and order were issued on December 23, 2011.

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 applicant claims that she was unable to attend for reasons that could not have been anticipated and beyond her control.

### Facts and Analysis

The application contains information under Reasons Number 1

The applicant is claiming that she was unable to participate in the hearing because of a back condition that also causes posttraumatic stress.

There are two respondents named however on the application, and the applicant has given no reason as to why the second respondent was unable to attend.

The only evidence provided in support of the claim is a medical report that was filled out for the Ministry of Social Development, however it does not relate specifically to this

incident it just describes the applicant's general medical condition and gives no information as to why the applicant was unable to attend the dispute resolution hearing by conference call.

Given the lack of any specific evidence showing that the applicant was unable to attend, and given the fact that they have shown no reason why the second tenant could not of participated, I am not willing to grant a new hearing.

### Decision

This application for review is dismissed.

The decision made on December 23, 2011 stands.

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 10, 2012.

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Residential Tenancy Branch