



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: MNSD

Introduction

The original hearing was held on January 10, 2012 and a decision and order were issued on the same date.

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 he was unable to attend because of reasons that could not have been anticipated and were beyond his control.

Facts and Analysis

The application contains information under Reasons Number 1

The applicant states that the tenant mailed the documents to the landlord instead of the landlord's representative, and the landlord misplaced the letter and therefore he was unable to attend the original hearing.

It is my decision that misplacing the documents and therefore missing the original hearing does not meet the review criteria to grant a new hearing.

The landlord was properly informed of the hearing and failed to take care to ensure that he participated at the time and place appointed for that hearing.

Decision

I deny the request for a new hearing.

The decision and order issued on January 10, 2012 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 30, 2012.

Residential Tenancy Branch