



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF OPC

Introduction

The original dispute resolution hearing was held on February 1, 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 she was unable to attend the original hearing due to circumstances that could not be anticipated and were beyond her control.

Facts and Analysis

The application contains information under Reasons Number 1

The applicant states that she never received the notice of hearing letter, and therefore did not know about the hearing; however for the original hearing the landlord provided the registered mail that was sent to the tenant at the dispute address which was returned unclaimed.

Under section 90 of the Residential Tenancy Act documents sent by registered mail are deemed served five days after mailing, and therefore the tenant is considered to have been served even if she failed to claim the registered mail.

Decision

I therefore will not allow this request for a new hearing.

The decision made on February 1, 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: February 21, 2012.

Residential Tenancy Branch