



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: OPR

Introduction

The original hearing was held on March 6, 2012 and the decision and order were issued on that 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

Whether or not the applicant was unable to attend the original hearing due to circumstances that could not be anticipated, or were beyond his control.

Facts and Analysis

The application contains information under Reasons Number 1

The applicant states that he did not receive the certified letter until March 8 2012, 2 days after the hearing had taken place, however he has provided no explanation as to why he did not receive the certified letter. I therefore have no way of knowing whether the certified mail was not delivered until March 8, 2012, or whether the applicant just failed to pick up the certified mail until that date.

The Notice of Hearing and the Dispute Resolution papers were served on the respondent by registered mail that was mailed on February 16, 2012 and therefore are deemed served 5 days later even if the respondent refuses to accept it.

I therefore am unwilling to grant a new hearing in this case.

Decision

Application for a new hearing through the review process is dismissed

The decision an order issued on March 6, 2012 stand.

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: March 22, 2012.

Residential Tenancy Branch