



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNSD

Introduction

On May 8, 2011 Dispute Resolution Officer (DRO) XXXX provided a decision on the landlords' Application for Dispute Resolution seeking a monetary order for damage or loss due to the tenancy and to retain the security deposit.

That decision dismissed the landlords' Application, with leave to reapply, as a result of the landlords' absence.

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.

The landlord submits in the Application for Review Consideration that the landlords were unable to attend the original hearing due to circumstances beyond their control that could not be anticipated and were beyond the landlords' control.

Issues

The issue to be decided is whether the landlord is entitled to have the decision of May 8, 2012 suspended and a new hearing granted because the landlord has provided sufficient evidence that the landlords were unable to attend the hearing due to circumstances beyond their control.

Facts and Analysis

The landlords submit that the female landlord was not able to attend the original hearing because of her response to medical treatment that incapacitated her ability to attend. The landlords provided no explanation or reasons, in their Application for Review

Consideration, as to why the male landlord or another agent was unable to attend the original hearing.

The landlords provided no explanation as to why the possibility of a reaction to treatment was not anticipated as a possibility for the one landlord to attend. And if it could have been anticipated the landlords have provided no evidence as to why it was beyond their control to make alternate arrangements prior to the original hearing for the other landlord to attend.

As such, I find the landlords have failed to provide sufficient evidence to establish that they were unable to attend the original for reasons that could not be anticipated and were beyond the control of both landlords. However, I do note that the original decision does grant the landlords leave to reapply to have the matters heard at a hearing based on a new Application for Dispute Resolution.

Decision

For the reasons noted above, I dismiss the landlords' Application for Review Consideration.

The decision made on May 8, 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: May 15, 2012.

Residential Tenancy Branch