



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW CONSIDERATION DECISION**

Dispute Codes: OPR

This is an application by the tenant for a review of a decision rendered by a dispute Resolution Officer on May 28, 2012.

The applicant applies for review under Section 79 of the *Residential Tenancy Act* on the following ground:

1. A party was unable to attend the original hearing due to circumstances that could not be anticipated and that were beyond his or her control.

### **Unable to Attend**

In order to meet this test, the applicant must establish that the circumstances which led to the inability to attend the hearing were both:

- beyond the control of the applicant, and
- could not be anticipated.

An arbitration hearing is a formal, legal process and parties should take reasonable steps to ensure that they will be in attendance at the hearing. This ground is not intended to permit a matter to be reopened if a party, through the exercise of reasonable planning, could have attended.

### **Summary of Background and Findings**

The original hearing in this matter was held May 28, 2012. The tenant/applicant did not attend that hearing. The applicant has provided evidence that he was hospitalized on May 21, 2012 at St. Paul's Hospital for a serious medical issue and that he remained in hospital until May 29, 2012.

I accept the evidence of the tenant/applicant and find that the tenant was unable to attend the hearing because he was hospitalized. I find that this is beyond the control of

the applicant, and her non-attendance at the hearing could not be anticipated. I will therefore grant the tenant's request for a review.

The decision rendered May 28, 2012 is suspended.

A review hearing will be held by way of conference call on **July 12, 2012 at 9:00 a.m.** The enclosed Notices of Hearing contain information with respect to attending the hearing.

The tenant is provided with 2 copies of this Decision and 2 copies of the Notice of Hearing. The tenant must serve the landlord with a copy of this Decision and the Notice of the Hearing by **June 29, 2012.**

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: June 20, 2012.

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Residential Tenancy Branch