



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR OPR

### Introduction

A dispute resolution hearing was held on June 25, 2012 and a decision and orders 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

Whether or not the applicant 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:

- "My phone would not accept the number from my calling area. Tried to contact Kelowna number. no one would talk to us, numerous times. The number I could get through to had no file on me so I could get nowhere that way."

It is my finding that the applicant has not met the burden of proving that she was unable to attend the original hearing due to circumstances that could not be anticipated or were beyond her control.

The applicant has provided no evidence in support of her claim that her phone would not accept the number from her calling area or that she had spoken to anyone at the Residential Tenancy Branch.

Further the applicant has failed to provide any information as to what testimony or evidence she would have provided if she were at the hearing, and therefore there is no way of knowing whether there is a possibility that the outcome would have been different.

### Decision

This application for a review hearing is dismissed.

The decision made on June 25, 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: July 19, 2012.

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Residential Tenancy Branch