



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR MNSD OPR

Introduction

This is an application by the Tenant for a review of a Decision rendered by a Dispute Resolution Officer on June 19, 2012 with respect to an application for Dispute Resolution filed by the Landlord. The Tenant did not attend the hearing and an Order of Possession and a Monetary Order for unpaid rent was granted to the Landlord.

Issues

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 Tenant applied for a review on the first ground.

Facts and Analysis

RTB Policy Guideline #24 says that in order to be granted a review on the grounds that a party was unable to attend the hearing, "the review application and supporting evidence 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." The Tenant's written submissions to his review application refer to problems he was having with another tenant of the rental property, however, I find that these submissions are not relevant to the issue of why the Tenant was unable to attend the hearing. The Tenant's written submissions also state that he thought the hearing was on another day.

I find that the Tenant's reason(s) for not attending the hearing does not satisfy the criteria for being granted a review. RTB Policy Guideline #24 also states that "this

ground is not intended to permit a matter to be reopened if a party, through the exercise of reasonable planning could have attended.” In other words, the Tenant does not claim that he was unaware of the hearing but rather that he failed to take attend the hearing because he did not take sufficient care to inform himself of the correct date of the hearing. Furthermore, the Tenant admitted that he had rent arrears that would not warrant an amendment to the Decision or Orders granted to the Landlord. Consequently, the Tenant's application for review is dismissed without leave to reapply.

Decision

The Tenant's application for review is dismissed pursuant to s. 81(b)(ii) on the grounds that it does not disclose sufficient evidence of a ground for review. Consequently, the Decision and Orders made on June 19, 2012 remain in force and effect.

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 03, 2012.

Residential Tenancy Branch