



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNR FF

Introduction

On September 6, 2012 Dispute Resolution Officer (DRO) XXXXXX provided a decision on the cross Application's for Dispute Resolution from the tenant and the landlord dealing with a 10 Day Notice to End Tenancy for Unpaid Rent. The hearing had been conducted on September 6, 2012.

That decision granted the landlord an order of possession and a monetary award of \$2,075.00. The applicant did not request an extension of time to apply for Review Consideration.

Division 2, Section 79(2) under the *Residential Tenancy Act (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 applicant submits in his Application for Review Consideration that he was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond her control;

Issues

It must first be determined if the applicant has standing in this matter to submit an Application for Review Consideration.

If the applicant has standing to submit an Application for Review Consideration it must be decided whether the tenant is entitled to have the decision and order of September 6, 2012 suspended with a new hearing granted because he has provided sufficient evidence to establish that he was unable to attend the hearing for unexpected reasons that were beyond her control.

Facts and Analysis

As the original Applications for Dispute Resolution for both parties name someone other than the party named on the Application for Review Consideration and the subsequent decision and order from the original hearing name the applicant on the Application for Dispute Resolution as the tenant, I find the applicant for the Application for Review Consideration is not a party named in this matter and is therefore not entitled to apply for a review of the decisions as outlined in Section 79(2) of the *Act* and outlined above.

Decision

For the reasons noted above, I dismiss this Application for Review Consideration

The decision made on September 6, 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: September 20, 2012.

Residential Tenancy Branch