



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF OPL

On November 15, 2012, the Residential Tenancy Branch received an Application for Review from the Landlord in relation to Hearing held on November 7, 2012 and a following decision made by Dispute Resolution Officer (DRO) on November 7, 2012.

Introduction

The Applicant/Landlord applies for review of the decision on the basis that the Landlord was unable to attend the Hearing.

Section 79(2) of the *Residential Tenancy Act* provides that 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

Has the Landlord provided evidence of inability to attend the original hearing because of circumstances that could not be anticipated and were beyond the Landlord's control?

Facts and Analysis

The Landlord submits in their application that they were unable to attend the Hearing due to a death in the family and the Landlord's attendance at the funeral. The Landlord submits that the stress of the situation caused him to forget the Hearing date. The Landlord provided a copy of the airline ticket.

Based on the submissions of the Landlord, I find that the Landlord has provided evidence of inability to attend the hearing due to circumstances that could not be anticipated and were beyond the Landlord's control. Accordingly, I find that a new hearing is warranted.

I order that the Decision dated November 7, 2012 be suspended until a review hearing has been completed.

The review hearing is scheduled for **January 8, 2012 at 2:00 p.m.** and will be conducted by telephone conference call.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the party in attendance at the hearing.

Notices of the time and date of the hearing are included with this Review Decision for the Landlord to serve to the Tenant within 3 days of receipt of this Decision.

Although the Landlord has provided evidence with his application for review consideration, he must serve a copy of that evidence on the tenant. Each Party must serve the other and the Residential Tenancy Branch with any evidence that they intend to reply upon at the new hearing.

Decision

The decision made on November 7, 2012 is suspended.

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: November 29, 2012.

Residential Tenancy Branch