



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNR FF MNDC O

Introduction

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

Section 72 of the *Manufactured Home Park 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

Is the Tenant entitled to a review hearing?

Facts and Analysis

The Tenant submits that they called into the Hearing twice on the date scheduled for the Hearing but that they were only placed on hold until the conference call ended. It is noted that the Residential Tenancy log of phone calls into the conference indicate that the Tenant did call into the Hearing but called in ½ hour after the scheduled time for the Hearing and after the Hearing concluded.. As the Tenant did not provide any other reasons for calling in late to the Hearing, I find that the Tenant has not provided evidence of circumstances that could not be anticipated and were beyond the Tenant's control. I therefore dismiss the application for review.

Decision

The decision made on November 16, 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 *Manufactured Home Park Tenancy Act*.

Dated: November 29, 2012.

Residential Tenancy Branch