



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.

Decision: Leave for Review Denied

Original Decision dated February 15, 2013 confirmed

Introduction

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.

REVIEW DECISION

The applicant has applied on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control. The applicant stated in his application that he was in Arizona and was using a "magic jack" phone connection that required internet service. The applicant stated that he was unable to connect to the internet and feels he is entitled to another hearing. The applicant is the party that first sought dispute resolution and filed for a hearing on November 9, 2012. The applicant had ample and reasonable time to test or

make other arrangements in regards of accessing the hearing. The applicant should have reasonably considered the reliability of his telecommunication choice considering his location and the service provided in that area. In addition, the applicant did not provide any supporting documentation of this failed service. I do not find that the applicant has provided sufficient evidence to support this position and I therefore dismiss his application.

For the above reasons I dismiss the application for leave for review. The original decision dated February 15, 2013 is confirmed.

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: February 25, 2013