



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute codes: FF MNDC MNSD O RPP

### Introduction

This is an application filed by the Landlord March 4, 2013 for a review of a decision of an Arbitrator dated February 4, 2013. The Tenant had applied for a monetary order. The Landlord did not attend the hearing. The Tenant's Application was granted. The Landlord has applied for review of this decision.

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.

### Issues

Was the Landlord unable to attend the hearing because of circumstances that could not be anticipated and were beyond his/her control?

### Facts and Analysis

The Landlord states that they were unable to attend due to circumstances that could not be anticipated and were beyond their control. The Landlord states that "an acute medical condition resulting in surgery" prevented the Landlord from attending the hearing. The Landlord has provided numerous points of evidence that would have been provided during the course of the hearing. The Landlord also states that submitted with the application "evidence showing why you were not able to attend the original hearing".

In reviewing the Landlord's Application it seems that the Landlord is presenting his details of dispute regarding the original hearing, but has provided any evidence regarding being unable to attend. The only details found in the Landlord's "Description of Case" state, "I am a new Landlord and this experience has caused tremendous amounts of stress, for me and my family. Recently I have had major medical issues that I will be starting with the second course of treatment and I would hope that justice would be served."

The Applicant 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 Landlord's reasons clearly meet this, but the Landlord has failed to provide any details of the circumstances of this inability. The Landlord has failed provide sufficient evidence to satisfy me of the circumstances preventing the Landlord from attending. For example, the Landlord's Application is not accompanied by a physician's medical certificate or hospital discharge papers, attesting to the nature and duration of ill health claimed by the Landlord as the underlying reason leading to their absence from the hearing. The Landlord's Application for review is denied. The original decision dated February 4, 2013 is hereby confirmed.

### Decision

The Landlord's Application for review is dismissed.

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: March 08, 2013

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Residential Tenancy Branch