



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR

This is an application by the landlord for a review of a decision rendered by an Arbitrator on February 27, 2013.

The Applicant is applying for review on the following ground:

1. A party was unable to attend the original hearing due to circumstances that could not be anticipated and that were beyond his or her control;

An Arbitrator may dismiss or refuse to consider an application for review for one or more of the following reasons:

- the issues raised can be dealt with under the provisions of the Legislation that allow an Arbitrator to correct a typographical, arithmetical or other similar error in the decision or order; clarify the decision, order or reasons, or deal with an obvious error or inadvertent omission in the decision, order or reasons;
- the application does not give full particulars of the issues submitted for review or of the evidence on which the applicant intends to rely;
- the application does not disclose sufficient evidence of a ground for review;
- the application discloses no basis on which, even if the submission in the application were accepted, the decision or order of the arbitrator should be set aside or varied;
- the application is frivolous or an abuse of process;
- the applicant fails to pursue the application diligently or does not follow an order made in the course of the review.

### Unable to Attend

In order to meet this test, 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.

An. This ground is not intended to permit a matter to be reopened if a party, through the exercise of reasonable planning, could have attended.

## **FINDINGS**

In his application for review the landlord says:

I was unable to call because another important phone call came at the same time.

As set out above, an arbitration hearing is a formal, legal process and parties should take steps to ensure that they will be in attendance at the hearing. I find that in choosing to answer another phone call at the time set for this hearing the applicant's non-attendance at the conference call hearing was within his control and his non attendance at the hearing could have been anticipated as a result of his choice.

The landlord's application for review is dismissed. The original decision is therefore 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: March 07, 2013

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Residential Tenancy Branch