



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW CONSIDERATION DECISION**

Dispute Codes MNR, MNSD, FF

### Basis for Review Consideration

Section 79(2) of the Residential Tenancy Act (Act) states 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.

### Applicant's Submission

The application for review consideration states the decision should be reviewed on the ground(s) of a party was unable to attend the hearing because of circumstances that could not be anticipated and were beyond the party's control.

### Analysis

The Landlords' review consideration application indicates that the Tenant did not serve the Landlords the Notice of Hearing documents. Consequently the Landlords were unaware of the Hearing and had no information that the hearing was taking place.

Subsequent to the Hearing on February 19, 2013 the Tenant sent in an email to the Residential Tenancy Branch indicating that she thought the Branch would serve the Landlords so she did not provide the Landlords with any documentation. The Tenant admitted in the email that she had not served the Landlords the Notice of Hearing document and she requested a new Hearing.

Conclusion

I order that a new hearing take place and I order that the decision and orders made on February 19, 2013 are suspended pending completion of the new hearing.

Failure to attend the hearing at the scheduled time and to meet deadlines for the submission and service of evidence will result in a decision being made on the basis of information before the Arbitrator and the testimony of the party in attendance at the hearing.

**Notices of the time and date of the Review Hearing are included with this Review Consideration Decision for the Landlords to serve on the Tenant within 3 days of receipt of this Decision.**

**At the same time, the Landlords must also serve a copy of this Decision to 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 Review Hearing. Fact sheets are available at <http://www.rto.gov.bc.ca/content/publications/factSheets.aspx> that explain evidence and service requirements.

If either party has any questions they may contact an Information Officer with the Residential Tenancy Branch at:

**Lower Mainland:** 604-660-1020

**Victoria:** 250-387-1602

**Elsewhere in BC:** 1-800-665-8779

I note I am ordering both Applications to be heard again in the interest of natural justice and procedural fairness, as it appears that the technical difficulties precluded either party from calling into the hearing. However, I note it is up to the Tenant to determine if she wants her Application to proceed at the Review Hearing.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 03, 2013

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Residential Tenancy Branch

