



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WHISPERING SPRUCE MANUFACTURED HOME PARK  
And [tenant name suppressed to protect privacy]

## **REVIEW CONSIDERATION DECISION**

Dispute Codes    ARI, O

### Basis for Review Consideration

Section 72(2) of the Manufactured Home Park 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) that the applicant was unable to attend the original hearing due to circumstances that could not be anticipated and were beyond the applicant's control.

The lawyer for the applicant states that he believes he did not receive the second notice of dispute resolution hearing, and also states that his client informed him that he did not receive the second notice of dispute resolution hearing.

The lawyer for the applicant also states that he checked with the assistants in his office, and none of them recalls seeing a second notice of dispute resolution hearing.

### Analysis

It is my finding that the applicant has not shown that they were unable to attend the original hearing because of circumstances that could not be anticipated or were beyond their control.

The applicant's lawyer states that he does not believe he received the second notice of hearing, and further states that his assistants do not recall seeing the second notice of hearing, however neither the lawyer nor his assistants definitively states that they did not received and second notice of hearing.

At the original hearing all parties were informed of the new date and time for the continuation of the hearing, and were informed that they would be receiving notices of hearing in the mail. Therefore, even if the applicants had not received the notice of hearing (and they have not stated definitively that they didn't), the applicants should have made inquiries prior to the hearing date.

Further, since the respondent/tenants received their second notice of dispute hearing, I find it most likely the copies were mailed to the applicants as well.

### Conclusion

I dismiss the Application for Review Consideration. The original decision made on March 11, 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 *Manufactured Home Park Tenancy Act*.

Dated: April 02, 2013

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Residential Tenancy Branch