



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes 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 all of the grounds listed above.

Ground number 1

The applicant states that she was called into the Kelowna Hospital because of the sudden deterioration of her 90-year-old mother's medical condition.

The applicant has provided a written statement from the Patient Care Coordinator/Head Nurse in support of this claim.

Analysis

It's my finding that the applicant has shown that she was unable to attend the original hearing due to reasons that could not be reasonably anticipated and were beyond her control.

The Patient Care Coordinator/Head Nurse at the Kelowna General Hospital has confirmed, in her letter, that she called the applicant shortly before the hearing was to have started on April 3, 2013, and requested that she attended the hospital as soon as possible due to complications concerning the applicant's 90-year-old mother.

Therefore it's my decision that I will allow the request for a review hearing.

Having allowed a review hearing under Ground Number 1, there is no need for me to make a finding on the other grounds under which the application was filed.

Conclusion

I order that a new hearing take place and I order that the decision and order made on April 03, 2013 are suspended pending completion of the new hearing.

Notice of time and date of the hearing are included with this Review Consideration Decision for the landlord to serve the tenant within 3 days of receipt of the Notice of 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.

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: April 12, 2013

Residential Tenancy Branch