



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

Introduction

The Landlord applies for a review on the basis of being unable to attend the hearing.

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

Is the Landlord entitled to a review hearing?

Facts and Analysis

The Landlord submits that they were unable to attend the hearing due to a motor vehicle incident. The Landlord provided no evidence to support this statement or to describe the incident. Further, the Landlord provided no details on testimony or evidence that would have been provided had the Landlord been at the Hearing.

Section 81 of the Act provides that an application for review may be dismissed where, inter alia, the application does not disclose sufficient evidence of a ground for the review or discloses no basis on which, even if the submissions in the application were accepted, the decision or order of the director should be set aside or varied. I find that

even if the motor vehicle incident could support a review, the lack of information on additional evidence that would have been provided at the hearing leaves me to conclude that the Landlord has established no basis on which the Decision may have had a different outcome had the Landlord appeared at the Hearing. I therefore dismiss the application for review.

Decision

The Decision made on April 8, 2013 stands.

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 18, 2013

Residential Tenancy Branch