



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes AS, MNDC

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) of being unable to attend the original hearing as he was inadvertently locked out of his home, and a claim that he has new and relevant evidence.

Analysis

The applicant states that he was locked out of his home at the time of the hearing and has supplied letter from a party who states that they inadvertently locked the applicant out of his house at the time of the scheduled conference call, however the applicant has provided no evidence to show that he attempted to contact the Residential Tenancy Branch to inform them of his predicament.

In the absence of any evidence to show that that the applicant made reasonable attempts to contact the Residential Tenancy Branch, I do not accept that the applicant was unable to attend the original hearing due to circumstances that could not be anticipated or were beyond his control.

Further, with regards to the claim of new and relevant evidence, it is my finding that this is not new evidence, this is evidence that could have been presented at the original hearing had the applicant attended.

Conclusion

I dismiss the Application for Review Consideration. The original decision made on April 09, 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 30, 2013

Residential Tenancy Branch