



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute codes: FF MND MNR MNSD OPB

Introduction

The original dispute resolution hearing on the landlord's application was held on April 26, 2013, and a decision was issued the same day.

This is a request for a review of that original decision.

The landlord applied for a review on the ground that he was unable to attend the hearing due to circumstances that could not be anticipated and were beyond his control.

Issues

Has the landlord provided sufficient evidence to support the indicated ground for review?

Facts and Analysis

The applicant/landlord has stated that he was unable to attend the original hearing because on the date of the hearing, he was on a plane. The landlord further explained that as he lives in Toronto, he booked the ticket for the day of the hearing as he mistakenly thought the hearing was at "2 PM Est." The landlord submitted that he had this time in his calendar.

The landlord submitted his flight booking information as verification.

Decision

It is my finding that the applicant/landlord has not shown that he was unable to attend the original hearing due to circumstances that could not be anticipated or were beyond his control.

As the applicant, the landlord received the notice of the hearing letter from the Residential Tenancy Branch ("RTB") when he filed his application. In reviewing the file,

the hearing letter, dated February 5, 2013, clearly and distinctly said that the date and time of the hearing was April 26, 2013 at 11:00 AM (Pacific Time).

I find it was the landlord's choice to book his flight on the same day as the hearing, as the booking information showed the flight being booked on April 2, 2013.

Further the landlord said that he booked his flight as he believed the hearing time was 2 PM Est, which actually was the time of the hearing, as the Eastern Standard Time zone is three hours in advance of the Pacific Time Zone.

I do not find that a choice made by the landlord to book a flight for the hearing day which was known to him two months prior to be beyond the control of the landlord or could not be anticipated.

Due to the above, I find the landlord failed to prove that he was unable to attend the hearing due to circumstances that could not be anticipated or were beyond his control and therefore I am not willing to grant a new hearing under the ground claimed by the landlord.

Conclusion

The landlord's application for review is dismissed for the reason stated above.

The decision of April 26, 2013, dismissing the landlord's application for dispute resolution 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 *Residential Tenancy Act*.

Dated: May 07, 2013

Residential Tenancy Branch