



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: ET

Introduction

The Applicant/Tenant applies for review of the decision on the basis that the Tenant was 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 Tenant entitled to a review of the Decision?

Facts and Analysis

The Tenant submits that he was unable to attend the Hearing as he rushed his mother to the hospital at 4:00 a.m. on March 14, 2013 and stayed with her until her release at 3:00 p.m. on March 15, 2013, the date of the Hearing. The Tenant states that he also was unable to attend because he thought the Hearing was on June 3, 2013. The Tenant submits that had he attended the Hearing he would have provided evidence that "JR" was with him at the hospital.

Given that the Tenant submits that he confused the date of the Hearing, the fact that he was at the hospital on the day of the hearing becomes irrelevant. The Tenant's submission on evidence that would have been submitted had the Tenant appeared at the Hearing does not appear to be relevant. I find therefore that the Tenant has not provided evidence of an inability to attend the Hearing due to circumstances that could not be anticipated and were beyond the Tenant's control. The Tenant is not entitled to a review hearing.

Decision

The Decision made on May 15, 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: May 23, 2013

Residential Tenancy Branch