



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR OPR

Introduction

The Tenant applies for a review consideration as 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

Has the Tenant provided evidence of not being able to attend the hearing because of circumstances that could not be anticipated and were beyond the Tenant's control?

Facts and Analysis

The Tenant submits that no notice or registered mail was received in relation to the Landlord's application for an order of possession. The Tenant submits that a few weeks earlier the Tenant had left a message for the Landlord indicating that rental arrears would be paid as soon as possible and that if there were any problems with the late payment to contact the Tenant. The Tenant states that had the Tenant been aware that the Landlord was going to arbitration, the Tenant would have tried to secure funds earlier.

The decision notes that the 10 day notice to end tenancy for unpaid rent was served on the Tenant on March 4, 2013 by registered mail and that the application for dispute resolution was served on the Tenant on April 3, 2012. Given the evidence of registered mail I find that the Tenant has not show that uncontrollable circumstances caused the Tenant's inability to attend the hearing. As a result, I dismiss the Tenant's application for a review.

Decision

The Tenant is not entitled to a review and the decision made on May 1, 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 13, 2013

Residential Tenancy Branch