



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 50 East Cordova Holdings Ltd.
and [tenant name suppressed to protect privacy]

REVIEW CONSIDERATION DECISION

Dispute Codes MNDC, MNSD

Basis for Review Consideration

Section 79(2) of the Residential 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 of the tenant having been unable to attend the hearing.

In his application for review, the tenant stated that he accessed the conference call at the time appointed for the hearing but was not connected with an Arbitrator. Telephone records show that due to technical difficulties, the tenant and Arbitrator were not placed in the same call.

Analysis

I find that the tenant has proven that he was unable to attend the hearing due to circumstances beyond his control.

Conclusion

I order that a new hearing take place and I order that the decision made on May 13, 2013 be suspended pending completion of the new hearing.

Notice of time and date of the hearing are included with this Review Consideration Decision for the tenant to serve the landlord within 3 days of receipt of the Notice of Hearing.

Failure to attend the hearing at the scheduled time and to meet deadlines for the submission and service of evidence will result in a decision being made on the basis of information before the Arbitrator and the testimony of the party in attendance at the hearing.

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 16, 2013

Residential Tenancy Branch

