



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW DECISION**

Dispute Codes: FF MNSD

This is an application by the landlord to review the decision and order of an arbitrator dated April 25, 2013 relating to the above-noted rental unit.

I refer to section 79(2) of the Act which provides that a decision or order of the director may be reviewed only on one or more of the following grounds:

- a. A party was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control;
- b. A party has new and relevant evidence that was not available at the time of the original hearing;
- c. A party has evidence that the director's decision or order was obtained by fraud.

The landlord applied for a review on the basis of the first ground, namely: that the landlord was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond his control, the landlord said that she did not receive received the tenant's application for dispute resolution until April 30, 2013, which was after the date of the original hearing.

In the decision under review, the tenant said the documents were sent to the landlord by registered mail, but the tenant did not submit any documentary evidence to show when the documents were mailed or to what address they were sent.

On the basis of the foregoing I accept the landlord's claim that she was not served with notice of the hearing before the actual hearing date. I find that the landlord was unable to attend the hearing on April 18, 2013 due to circumstances that were unavoidable and beyond her control. I therefore grant the application for review and I direct that the review proceed by conducting a new hearing. The original decision and order are suspended pending the outcome of the review.

I enclose with this decision copies of a notice of hearing for the review hearing to be conducted by conference call on July 10, 2013 at 2:30 P.M. The landlord must serve the tenant with a copy of this decision and the enclosed notice of hearing either personally or by registered mail pursuant to section 89 (1) of the *Residential Tenancy Act*.

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: June 07, 2013

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Residential Tenancy Branch

