



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNR MNSD

Introduction

This is an application by the tenant for a review of a decision of the director dated May 6, 2013.

The tenant applied for a review on the ground that she was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond her control.

Preliminary Issue – Extension of Time

The tenant indicated in her application for review that she never received a copy of the decision, and was only aware of the outcome on May 28, 2013 by email, after she contacted the Residential Tenancy Branch. The deadline for an application for only applies after the party has received their decision or order, so I find it is not necessary for me to consider the tenant's application for an extension of time to apply for a review.

Issues

Has the tenant provided sufficient evidence to demonstrate that she was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond her control?

Facts and Analysis

Original Hearing and Decision

The original hearing was convened at 11:00 a.m. on May 6, 2013, pursuant to the tenant's application for monetary compensation and return of pet and security deposits. The decision dated May 6, 2013 indicates that the teleconference hearing commenced as scheduled at 11:00 a.m. and held open for 10 minutes. As neither the tenant nor the landlord called in to the hearing, the tenant's application was dismissed with leave to reapply.

Tenant's Submissions

In the application for review, the tenant stated that she was unable to attend the hearing because she was in a remote location and could not get cell phone service. She was not able to call in to the hearing until approximately half an hour after the hearing commenced.

Analysis on Review

The tenant made her application for the hearing on February 13, 2013, and was provided at that time with notice of the hearing time and date. It was up to the tenant to ensure that she could call in to the hearing at the time scheduled. The tenant ought to have anticipated that she may not get cell phone service in a remote location. It was within the tenant's control to arrange to have adequate phone service or arrange for an agent to call in to the hearing on her behalf.

I find that the tenant has not provided sufficient evidence to establish that she was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond her control.

Decision

I dismiss the application for review and confirm the original decision of May 6, 2013.

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 13, 2013