



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

Introduction

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.

The Landlord applies for a review hearing on the basis that she was unable to attend the hearing.

Issues

Is the Tenant entitled to a review hearing?

Facts and Analysis

The Landlord submits that she is pregnant in China and cannot travel due to her stage of pregnancy. It is noted that the application for review consideration was received by the Residential Tenancy Branch on June 26, 2013 and that it is signed and dated June 25, 2013. There is no indication that the signature on the application is from anyone other than the Landlord.

The Landlord submits that knowledge of the hearing was unknown until the Landlord received the Decision. The Landlord submits that the mailing address, apparently for

the decision, contained the wrong street number. The Landlord makes no submissions on what evidence would have been provided if the landlord were at the hearing.

Section 81 of the Act provides that an application for review hearing may be dismissed if it discloses no basis on which, even if the submissions in the application were accepted, the decision should be set aside. I first note that the Tenant's application contains an apparent contradiction in that the Landlord submits that she is in China and yet apparently signed the application form the day before it was filed with the Residential Tenancy Branch. While the Landlord may not have been able to attend the Hearing as submitted, given that the Landlord made no submissions on what evidence would have been provided had the Landlord attended the Hearing, I find that the application discloses no basis on which the decision should be set aside. I therefore dismiss the application for a review hearing.

Decision

The decision made on June 13, 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: June 28, 2013

Residential Tenancy Branch