



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westcott Middlegate Ltd.
and [tenant name suppressed to protect privacy]

REVIEW CONSIDERATION DECISION

Dispute Codes CNR

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 that the tenants were unable to attend the hearing.

The tenants stated that through negligence, they left the paperwork, which I take to mean the notice of hearing identifying the conference call phone number and passcode, at the workplace of one of the tenants and therefore were unable to access the conference call hearing.

Analysis

In order to be successful in opening this matter for a new hearing, the tenants must prove that they were unable to participate in the hearing due to circumstances that could not have been anticipated and were also beyond their control.

I find that it was within the control of the applicants to ensure they had the notice of hearing in hand at the time they would need the telephone number and passcode and I

find that they have therefore failed to prove that they were prevented from participating in the hearing by circumstances which were beyond their control.

Conclusion

I dismiss the Application for Review Consideration. The original decision and order made on July 04, 2013 are confirmed.

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: July 18, 2013

Residential Tenancy Branch

