



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC

Introduction

This is an application by the landlord for a review of an order of the director dated July 25, 2013. In the application for review the landlord indicated that he had not received a copy of the decision, only the order.

The landlord applied for a review on the grounds that he was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond his control; and he has evidence that the director's decision or order was obtained by fraud.

Issues

Has the landlord provided sufficient evidence to support one of the indicated grounds for review?

Facts and Analysis

Original Hearing and Decision

The original hearing was convened on July 24, 2013, pursuant to the tenant's application for monetary compensation. The arbitrator accepted the tenant's evidence that the landlord was served with notice of the hearing by registered mail, and proceeded with the hearing in the absence of the landlord. The arbitrator granted the tenant a monetary order in the amount of \$853.98.

Landlord's Submissions

In the application for review, the landlord stated that he knew nothing about the issue, and he did not receive a hearing request or a phone call. The landlord further stated that he was confused. I note that the landlord's address indicated on his review application is the same address that the tenant indicated in her application as the mailing address for the landlord.

Analysis on Review

In the decision dated July 25, 2013, the arbitrator found that the tenant properly served the tenant with notice of the hearing by registered mail. The arbitrator then proceeded with the hearing and made a determination based on the evidence.

A review hearing will only be granted where there is sufficient evidence to support one of the three grounds for review under section 79 of the Act. In this case, I find that the landlord has not provided sufficient evidence to establish that he has grounds for a review of the original order.

Decision

I dismiss the application for review and confirm the original order of July 25, 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: August 8, 2013

Residential Tenancy Branch