



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MND MNDC MNR MNSD OPR

Introduction

This is an application by the landlord for a review of the decision of Arbitrator dated July 22, 2013. The landlord did not attend the hearing on July 22, 2013, as the landlord indicated in his review application he made a mistake entering the hearing date in his calendar and as a result missed the hearing. As well the landlord said he has emails that are new and relevant evidence, but the landlord did not provide any of the emails to prove the emails exist or that they contained any evidence.

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.

Issues

The landlord's application for a review of the previous Arbitrator's is on the grounds that the landlord was unable to attend the original hearing because of circumstances beyond his control and that the landlord has new and relevant evidence. Is the landlord's application justified?

Facts and Analysis

The landlord applied for a review on the basis that he made a mistake entering the date of the meeting on his calendar and therefore missed the hearing. The landlord indicated that he should not be penalized for a mistake that he made because he had a new phone and he is very busy operating his restaurant. The reason of making a mistake in recording the date of the hearing is not circumstances beyond the control of the applicant. It is the applicant's responsibility to organize himself to make the application in compliance to the Act and Regulation as well as to attend the hearing. If the applicant does not attend the hearing, but the respondent does attend then it is policy to dismiss the application without leave to reapply. I find the landlord has not established grounds to have a review hearing based on his claim that he was unable to attend the hearing because of circumstances beyond his control.

With regard to the landlord's claim about new and relevant information, I find the landlord did not provide any of the new evidence so it is not possible to determine if the information warrants a new hearing. Consequently, I dismiss the landlord's request for a review hearing due to lack of evidence.

Decision

In considering the evidence of the landlord's review application, I find that the landlord has not established grounds to be granted a review hearing. Consequently I dismiss the landlord's application for a Review Hearing. Arbitrator's decision stands in effect as dated in the original hearing of July 22, 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 19, 2013

Residential Tenancy Branch