



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

### Introduction

This is an application by the landlord for a review of a decision of the director dated September 13, 2013.

The landlord 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.

### Issues

Has the landlord 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?

### Facts and Analysis

In the application for review, the landlord stated that she was unable to call in to the hearing because on the day of the hearing phone service went down in her location, and it would have taken half an hour to drive to the nearest town to call in to the hearing.

The landlord submitted documentary evidence, including statements from witnesses, that she would have provided to dispute the tenant's claim.

I am satisfied that the landlord was unable to attend the hearing due to circumstances that could not be anticipated and were beyond her control. I am further satisfied that the evidence of the landlord was not addressed at the original hearing, and that this evidence may have had a material effect on the arbitrator's decision. I therefore find that a review hearing is warranted.

### Decision

I order that the decision dated September 13, 2013 be suspended until a review hearing has been completed.

Within three days of receiving this decision granting a review hearing, the landlord must serve the tenant with a copy of this decision and the enclosed notice of the time and date of the review hearing.

A review hearing is a new hearing of the original application. It is open to the landlord and the tenant to rely on evidence submitted in the original hearing as well as submit further evidence that they intend to rely on in the review hearing. Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the arbitrator and the evidence of the party in attendance at the review hearing.

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: October 22, 2013

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Residential Tenancy Branch