



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC O

Introduction

This is an application by the landlord for a review of a decision of the director dated September 24, 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

Original Hearing

In the original hearing, the tenants provided evidence that they served the landlord with notice of the hearing by mailing the hearing package to the address that the landlord had provided during the tenancy as her service address. The tenants stated that the landlord did not pick up the registered mail package, and the arbitrator determined that the landlord had been properly served with the notice of hearing.

Landlord's Submissions

In the application for review, the landlord stated that she was unable to attend the hearing because at the time she was residing with her daughter at a different address. The landlord provided a bank statement to verify her address.

Analysis on Review

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. It is the obligation of an application for dispute resolution to confirm the service address for the respondent, and I find that the tenants did not do so in this case, so the landlord was not served with notice of the hearing. I therefore find that a review hearing is warranted.

Decision

I order that the decision and order dated September 24, 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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