



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNR OPR

### Introduction

The Tenant applied for a review of an Arbitrator's decision of October 4, 2013 on the basis that the Tenant was not able to attend the hearing because of circumstances beyond the Tenant's control. In the decision dated October 4, 2013 the Landlord was awarded an Order of Possession and a monetary order for \$387.50 due to unpaid rent. In the decision the Arbitrator states the Tenant attended the hearing at the start of the call, but then withdrew from the conference call and did not call back in.

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 Tenant's application for a review of the previous Arbitrator's decision is on the grounds that the Tenant was unable to attend the original hearing because of circumstances beyond his control. Is the Tenant's application justified?

### Facts and Analysis

The Tenant said in his review application that he was unable to get a phone signal for his phone for the conference call of October 4, 2013, so he connected to the hearing using WiFi through the internet with the phone program called Skype. During the call the Tenant said he lost his WiFi connection and when he reconnected to the hearing 20 minutes later the hearing was finished. As a result the Tenant says he was not able to attend the hearing for reasons beyond his control. The Tenant is requesting a review hearing.

It is the responsibility of any participant in a hearing proceeding to insure they are prepared for the hearing. Insuring and establishing a secure connection for a conference call hearing is a basic requirement. By the Tenant choosing to phone into the conference call on an unsecure or problematic phone line is not a reason to justify a review hearing. The Tenant could have found a secure land line or cell phone service area that could provide dependable service. Secure land telephone lines are available to the public at all Service BC locals. Consequently I do not accept that having a poor WiFi connection for the Skype program is a reason that is beyond the Tenant's control to attend the hearing. The Tenant could have anticipated the potential problems with the connection. Therefore I dismiss the Tenant's request for a review Hearing as he has not established grounds that the reason for him missing the conference call was beyond his control.

### Decision

In considering the evidence of the Tenant's review application, I find that the Tenant has not established grounds to be granted a review hearing. Consequently I dismiss the Tenant's application for a Review Hearing. The Arbitrator's decision and orders stand in effect as dated in the original hearing of October 4, 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: October 15, 2013