



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

Introduction

On October 10, 2013 a conference hearing was scheduled to resolve a dispute between these two parties. Neither party attended the hearing. The Tenant had applied for a monetary order for the return of double the security deposit. The Tenant's Application was dismissed with leave to reapply. The Tenant has applied for review of the decision.

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

Was the Tenant unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control?

Facts and Analysis

The application contains information under Reasons Number 1.

The applicant states in the application that, "I was there in the office before 9:00 am until they told me it was telephone conference call which I didn't know before. They didn't explain and then I called right away and I am on hold, I called from cell number..."

A review of the file shows that the Notice of a Dispute Resolution Hearing letter clearly shows that "This hearing will be conducted by **TELEPHONE CONFERENCE CALL...**"
The Applicant has clearly not shown how the circumstances could not be anticipated or

beyond his control as it is clearly stated on the notice of a hearing letter. The Applicant has failed.

Decision

The Tenant's Application is denied.

The decision made on October 10, 2013 stands.

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 18, 2013

Residential Tenancy Branch