



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes MND, MNR, MNSD, OPR, FF

Basis for Review Consideration

Section 79(2) of the Residential Tenancy Act (Act) states that 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.

Applicant's Submission

The application for review consideration states the decision should be reviewed on the ground of the tenant having been unable to attend the hearing.

In her application for review, the landlord stated that she filed her application for dispute resolution online and that the Residential Tenancy Branch did not contact her after her application was made to send the notice of hearing. The landlord therefore had no idea when the hearing was to take place and could not participate. Residential Tenancy Branch records show that the Branch failed to send the landlord the notice of hearing.

Analysis

I find that the landlord has proven that she was unable to attend the hearing due to circumstances beyond her control.

Conclusion

I order that a new hearing take place and I order that the decision issued on September 23, 2013 be suspended pending completion of the new hearing.

Notice of time and date of the hearing are included with this Review Consideration Decision for the landlord to serve the tenants within 3 days of receipt of the Notice of Hearing. Together with the Notice of Hearing, the landlord should serve on the tenants a copy of her application for dispute resolution and all documents on which she intends to rely at the hearing.

Failure to attend the hearing at the scheduled time and to meet deadlines for the submission and service of evidence will result in a decision being made on the basis of information before the Arbitrator and the testimony of the party in attendance at the 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 31, 2013

Residential Tenancy Branch

