



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW CONSIDERATION DECISION**

Dispute Codes OPB, OPC, MNR, MNDC, 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.

The Tenants have applied for a review consideration based on the first ground above.

### Issues

Were the Tenants unable to attend the original hearing because of circumstances that could not be anticipated and were beyond their control?

### Applicant's Submission

The Tenants apply for a review consideration of the decision, an order of possession and a monetary order granted on September 11, 2013. The application for review consideration states the decision should be reviewed on the ground that:

"I was not notified or served any papers regarding a telephone conference call."

### Analysis

Based on the above, the decision of September 11, 2013, the evidence considered, and on a balance of probabilities, I find the application for review consideration must be dismissed.

The evidence before the Arbitrator was that the Tenants were served with a Notice of the Hearing time and date, and the Application for Dispute Resolution, in person on August

8, 2013. In evidence before the Arbitrator was a document in which two people signed a statement that they witnessed the Landlord personally serve the Tenants these documents on August 8, 2013.

I find the Tenants have insufficient evidence to prove they were not served with the Notice of Hearing. Therefore, I find the Tenants have not proven they were unable to attend the hearing because of circumstances that could not be anticipated and were beyond their control.

I further find that the Application of the Tenants discloses no basis on which, even if their submissions were accepted (which they are not), the decision and orders should be set aside or varied.

For these reasons I dismiss the Application for Review Consideration of the Tenants. The decision and orders dated September 11, 2013 in this matter, remain in full force and effect and may be enforced.

### Conclusion

I dismiss the Application for Review Consideration. The original decision made on September 11, 2013 is confirmed, and remains in full force and effect.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: October 09, 2013

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Residential Tenancy Branch

