



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNR OPR

Introduction

The Landlord applies for a review consideration on the basis of inability to attend the hearing and on the basis of fraud by the Tenant.

Issues

Is the Landlord entitled to a review consideration?

Facts and Analysis

The Landlord submits that he was unable to attend the hearing as he was at work and was unable to make the call. The Landlord does not provide any submissions as to why being at work or being unable to call from work prevented his attendance. The Landlord also makes submissions of actions taken in relation to the repairs addressed by the decision. The Landlord does not provide any submissions of when these repairs were completed or that the Tenant was aware of any completed repairs at the time of the Hearing.

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.

As there is no indication of when the Landlord took action to make repairs or that the Tenant submitted false information at the hearing, I find that the Landlord has not shown that the decision was obtained by fraud. As there is no indication of anything that occurred that could not be anticipated and was beyond the Landlord's control, I find that the Landlord has not shown an inability to attend the hearing as provided under the Act. As the Landlord has not provided any reasons to support a review consideration, I dismiss the Landlord's application.

Decision

The Landlord's application for review consideration is dismissed. The decision made on October 2, 103 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: November 25, 2013

Residential Tenancy Branch