



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute codes: FF MND MNDC MNSD

Introduction

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.

The applicants have applied on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control. The applicants stated that their vehicle broke down in downtown Vancouver at 1:30 p.m. The applicants state that their vehicle required repairs and they have submitted a receipt to reflect that. I accept that the applicants' vehicle required repairs however the applicants have not advised how it was not possible for them to get access to a phone and make an attempt at calling into the conference. It's reasonable to expect that within the hour prior to the hearing the applicants could have made some sort of arrangement to call in or have an agent call in. Based on the above and the insufficient evidence before me I dismiss the landlords' application.

For the above reasons I dismiss the application for leave for review. The original decision and order dated November 25, 2013 is confirmed.

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: December 18, 2013

Residential Tenancy Branch