



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MND MNDC

### Introduction

Division 2, Section 79(2) under the *Residential Tenancy Act* provides that a party to a dispute may apply for a review of the decision. On December 3, 2013 an Arbitrator issued a decision dismissing the landlord's Application for Dispute Resolution. The landlord has filed an Application for Review Consideration on the basis she was "unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control."

### Issues

Has the landlord established that she was unable to attend the original hearing due to circumstances that were not anticipated and beyond her control?

### Facts and Analysis

The landlord submitted that she waited to be called to participate in the teleconference call hearing rather than call into the hearing herself, based on erroneous verbal information she was provided at a ServiceBC centre.

Applicants are provided a Notice of Hearing that includes written instructions for calling into a teleconference call hearing. Parties to a dispute are also provided the Fact Sheet: *The Dispute Resolution Process* which also provides information for calling into a teleconference call hearing. It is upon the party to read the information and follow the instructions provided to them by the Residential Tenancy Branch.

Since the tenant appeared at the teleconference call hearing, I am satisfied the landlord was provided with the Notice of Hearing and Fact Sheet since she would have had to serve those documents upon the tenant. Thus, it would appear the landlord neglected to read or chose to ignore the written instructions provided to her by the Residential Tenancy Branch.

In these circumstances, I find the landlord has not established that her failure to attend the hearing was due to circumstances that were not anticipated or beyond her control. Therefore, I dismiss her request for a review hearing.

### Decision

The landlord's Application for Review Consideration has been dismissed. The decision issued on December 3, 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: December 24, 2013

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Residential Tenancy Branch