



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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:

- a. A party was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control.
- b. A party has new and relevant evidence that was not available at the time of the original hearing.
- c. A party has evidence that the director's decision or order was obtained by fraud.

The Tenant now applies for review on the grounds of 79(2)(a) stating that they were not available at the time of the original hearing because of circumstances that could not be anticipated and were beyond his control.

Issues

Does this Review Application meet the requirements for Review Consideration for a decision obtained through the Direct Request Process?

Facts and Analysis

The Decision and Order under review is a decision granted through the Direct Request process on issued November 10, 2014, which granted the Landlord an Order of Possession and a Monetary Order for unpaid rent.

As written on the front page of the decision, a decision granted through the Direct Request Process is an ex parte proceeding granted pursuant to section 55(4) of the *Residential Tenancy Act*. The decision in this matter was made **without** a participatory hearing and was based on an undisputed 10 day Notice to End Tenancy and the written submissions of the Landlord. Therefore, as no hearing was held a review cannot be considered on the grounds that a party was unable to attend the hearing. Accordingly, I find this application for review consideration must fail.

Decision

Overall I find that pursuant to Section 81(b) the application does not disclose sufficient evidence of a ground for the review.

The Decision and Orders made on November 10, 2014, stand.

This decision is legally binding and 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, 2014

Residential Tenancy Branch