



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Introduction

The dispute resolution hearing was held on September 25, 2014 and a decision and order were issued on that same date.

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.

Issues

The issue is whether or not the applicant was unable to attend the original hearing due to circumstances that could not be anticipated and were beyond the applicant's control.

Facts and Analysis

The application contains information under Reasons Number 1

The applicant states that they were unable to attend the original hearing because:

"I never received notice of dispute resolution in the mail, and was never notified by any other means of communication ie: e-mail, phone text message. I had no idea any of this was happening until I receive the decision via mail."

I reviewed the decision issued by the Arbitrator from the original hearing, and the Arbitrator found that the tenant had been served notice of the hearing by registered mail.

Documents sent by registered mail are deemed served within five days of mailing, even if the respondent fails to accept the registered mail.

It is therefore my finding that the applicant has not shown that they were unable to attend the original hearing due to circumstances that could not be anticipated and were beyond the applicant's control.

Decision

This application for a review hearing is dismissed.

The decision made on September 25, 2014 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 05, 2014

Residential Tenancy Branch