



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MND MNR OPR

Introduction

The original hearing was heard on August 10, 2011 and a decision was issued on the same date ordering that the tenant pay \$15,928.75 to the landlord.

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 tenant claims that they were never served with notice of the hearing, as the documents were served to an address where she used to work but had not since February of 2011.

Facts and Analysis

The application contains information under Reasons Number 1

The tenant claims that they was never served with notice of the hearing, because the notice of hearing was sent to her previous employment address and that she had not worked there for some time.

I reviewed the original dispute resolution officer's decision however, and that dispute resolution officer found that the tenant had been properly served with the notice of the landlords claim and the date and time of the hearing; although it does not state any specifics of the service.

Since the dispute resolution officer has found that the tenant was properly served, I am not willing to grant a new hearing under the review process, and the tenant should be requesting clarification from the dispute resolution officer as to the finding that the tenants had been properly served.

Decision

This application is dismissed.

The decision made on August 10, 2011 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: October 17, 2011.

Residential Tenancy Branch