



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

APPLICATION for REVIEW

Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.

Introduction

A dispute resolution hearing was held on September 20, 2012 and a decision was 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

Whether the applicant was unable to attend the original hearing because of circumstances that could not be anticipated or were beyond his control.

Facts and Analysis

The application contains information under Reasons Number 1

The applicant has stated that he was unable to attend the original hearing because he forgot to take his phone with him and he was stuck on the Port Mann Bridge. He subsequently called at 11:20 but was put on hold for about one hour.

It is my finding that the applicant has not shown that he was unable to attend the original hearing due to circumstances that could not be anticipated or were beyond his control.

The applicant knew that he had a hearing 11:00, and therefore he should have made sure that he had his phone available to make that call.

Further the applicant has given no explanation as to why his co-applicant could not have called into the original hearing.

Decision

This application for a review hearing is dismissed.

The decision made on September 20, 2012 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 09, 2012.

Residential Tenancy Branch