



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MND MNSD OPR

Introduction

The Applicant/Tenant applies for review of the decision on the basis that the Tenant was unable to attend the Hearing.

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

Is the Tenant entitled to a review of the Decision?

Facts and Analysis

The Tenant submits that no proper notification of the Hearing date was given to the Tenants. The Tenants submits that a forwarding address was provided at move out but the Notice of Hearing was mailed to the dispute address and not to the forwarding address. The Decision sets out that the Tenants moved out of the dispute address on October 31, 2012 and that the Notice of Hearing was served on the Tenants by registered mail to the dispute address 15 days prior to the move-out date.

Section 81 of the Act provides that an application for review may be dismissed where, inter alia, the application does not disclose sufficient evidence of a ground for the review. As the Tenants did not make any submissions to dispute the move-out date of October 31, 2012, and given the evidence of the Landlord that the Notice of Hearing was sent by registered mail to the dispute address 15 days prior to the move-out date, I find that the Tenants have not provided sufficient evidence that they were unable to

attend the hearing due to circumstance that could not be anticipated and were beyond their control.

Decision

The Tenant is not entitled to a review and the Decision made on December 3, 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: December 27, 2012.

Arbitrator
Residential Tenancy Branch