



# 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.*

Dispute Codes: MNDC

### Introduction

The tenant had filed an application for dispute resolution requesting a monetary order in the amount of \$1326.83

The original hearing was held on September 1, 2011 by conference call, and a decision was issued on the same date.

The conclusion of that hearing was that the application was dismissed in full without leave to reapply.

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 applicant is now claiming that there is new and relevant evidence that was not available at the time of the original hearing.

### Facts and Analysis

The applicant is claiming that there was audio/video evidence that would support his claim however it was not available at the original hearing because he claims that the

Residential Tenancy Branch staff in the Kelowna B.C. office had informed him that he could not submit video evidence.

### Decision

It is my finding that the applicant has not shown that there is new and relevant evidence that was not available at the original hearing.

The applicant mentioned at the original hearing that there was video evidence; however no request was made to the dispute resolution officer to allow that evidence to be submitted.

Further although the applicant claims that the Residential Tenancy Branch staff in the Kelowna B.C. office had informed him that he could not submit video evidence, I find it very unlikely that he would have been given such information as it is standard policy to inform the parties that if they wish to present video evidence they must supply their own playback equipment. They are not informed that they cannot submit video evidence.

I therefore deny this request for a new hearing.

The decision made on September 1, 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: September 28, 2011.

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Residential Tenancy Branch