



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

### Introduction

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 claims that the original decision was obtained by fraud, because the tenant testified at the original hearing that she vacated on April 1, 2011 when she in fact vacated on February 3, 2011.

The applicant also claims that she did not receive a forwarding address from the tenant until the tenant applied for dispute resolution.

### Facts and Analysis

The application contains information under Reasons Number 3

In the original decision the dispute resolution officer states that the tenant testified that she vacated the premises on April 1, 2011 and provided her forwarding address to the landlord.

The applicant has now provided a unsworn statement that says that the tenant vacated the rental unit on February 3, 2011.

It is my finding however that this is not sufficient evidence to show that the original dispute resolution officer's decision was obtained by fraud, because the landlord attended the original hearing and certainly had every opportunity to contradict the tenants testimony and provide her own evidence at that time.

Further, although the landlord claims that she was not provided with the forwarding address, she admitted at the original hearing, to receiving the forwarding address in writing and that is noted in the dispute resolution officer's decision.

### Decision

The applicants request for a new hearing is denied.

The decision and Order issued on September 22, 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 12, 2011.

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Residential Tenancy Branch