

REVIEW DECISION

Dispute Codes: MNR OPR

This is an application for review filed on November 23, 2011 by the tenant for the review of a decision dated November 22, 2011.

The tenant relies on section 79(2)(c) of the *Residential Tenancy Act* (the "Act") which provides that the director may grant leave for review if a party has evidence that the dispute resolution officer's decision or order was obtained by fraud.

In the application for review, the tenant claimed that in November he gave the landlord a cheque drawn against his credit card but when the landlord took the cheque to the bank and learned that the bank would not cash it immediately but would hold it for 5 days, the landlord served him with a 10 day notice to end tenancy.

If the tenant's version of events is accurate, the landlord had the tenant's rent payment in hand at the time he served the notice to end tenancy but had simply not negotiated it. I find it likely that the Dispute Resolution Officer's decision was based on a fraud and accordingly find that a review hearing is warranted. I hereby order that the decision dated November 22, 2011 be suspended until a review hearing has been completed.

The review hearing is scheduled for **December 15, 2011 at 9:30 a.m.** and will be conducted by telephone conference call. A notice of hearing with the access telephone numbers and passcode is enclosed herewith.

Failure to attend the hearing at the scheduled time, with all relevant documents and/or witnesses, will result in a decision being made on the basis of any information before the dispute resolution officer and the testimony of the party in attendance at the hearing.

Dated November 29, 2011

Dispute Resolution Officer