



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

APPLICATION for REVIEW

Dispute Codes: CNC CNL FF LRE MNSD O SS

Introduction

The Applicant/Landlord applies for review of the decision on the basis that the decision was obtained by fraud.

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

Has the Landlord provided evidence of fraud?

Facts and Analysis

The Applicant submits that the Tenant falsely identified the Applicant as the Landlord, knowing that a third party was the Landlord and that the Tenant provided this false information, knowing that the Applicant would not appear, in order to obtain a monetary order. Information on file indicates that the Tenant did provide information identifying the third party as another Landlord however the decision is silent on the provision of this information or how it was dealt with by the DRO. As this information was in front of the DRO at the time of the Hearing, no fraud can be found as argued by the Applicant. For

the same reason, this evidence cannot also support a finding of new and relevant evidence. The Applicant does not provide any evidence for the third area of review, that the Applicant was not able to attend the Hearing due to circumstances that were beyond the Applicant's control. The Act provides for a very narrow scope of review as contained in the three areas set out above. The evidence of the Applicant does not support any of the areas of review. As a review cannot be conducted on any other basis, I am unable to provide a remedy. Accordingly, I must dismiss the application.

Decision

The application is dismissed and the decision made on November 23, 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: December 06, 2011.

Residential Tenancy Branch