



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: CNC FF

### Introduction

The Applicant/Tenant applies for review of a decision by a Dispute Resolution Officer of a hearing set down and conducted on November 25, 2011.

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.

The Applicant indicates one ground for review: The Applicant has new and relevant evidence that was not available at the time of the original hearing.

### Issues

Is the evidence provided by the Applicant new and relevant and was this evidence available at the time of the original hearing?

### Facts and Analysis

The application contains information under Reasons Number C2:

1. the city may allow time for the home to be moved; and,
2. there is no geological technical report done on the area in question.

The Applicant submits that this information was obtained from the City Inspector on November 28, 2011. Further, the Applicant feels that the letter dated October 17, 2011 does not constitute an official order.

Without determining whether the information provided under point 1 (one) above is new, I find that the information that the City may allow more time for the home to be moved to be irrelevant to the determination that the Landlord was entitled to an Order of Possession pursuant to the Notice to End Tenancy for Cause. This information is only relevant to the enforcement of the Order of Possession. The information provided under point 2 (two) above is not new information. The fact that no geological technical report has been done is the reason why the City has found the Landlord to not be in compliance. Finally, the last reason provided by the Applicant is not new information but an argument against the finding of the DRO that the site must be vacated to comply with an order. As the Applicant has failed to provide new and relevant evidence, I dismiss the application.

### Decision

The decision made on November 25, 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.

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Residential Tenancy Branch