



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: MNSD O

Introduction

On January 11, 2012 Dispute Resolution Officer (DRO) XXXXXX provided a decision on the tenant's Application for Dispute Resolution seeking to retain the security deposit and to a monetary order for unspecified reasons for \$20,650. The hearing had been conducted on January 11, 2012.

That decision dismissed the tenants' Application in its entirety. The tenant submits they received a copy of the decision and order on January 17, 2012.

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 tenant submits in his Application for Review Consideration that he has new and relevant evidence that was not available at the time of the original hearing and that the decision was obtained by fraud.

Issues

The issues to be decided are whether the tenant is entitled to have the decision of January 11, 2012 suspended and a new hearing granted because he has provided sufficient evidence that he has new and relevant evidence that was not available at the time of the original hearing and evidence that the landlord obtained the decision and order by fraud.

Facts and Analysis

The tenant submits that he has the following new and relevant evidence:

- List of forwarding address dates to inform JS residential manager, XXXXXX Apartments withheld by JS deliberately
- Late mail delivery to JS.

The tenant does not indicate how this evidence is new or why it was not available at the time of the hearing. As such, I find the tenant has failed to provide any evidence to establish that he has new evidence that was not available to him prior to the hearing of January 11, 2012.

The tenant also submits that the information submitted for the initial hearing that was false was that there was “bias and discrimination of JS latest date within one year Oct. 30, 2011, not provided by JS and suppression of heart stroke recovery tenant discussion by XXXXXXXX, Dispute Resolution Officer”.

From this response on the tenant’s Application for Review Consideration and combined with the 54 pages submitted as part of his review application I find the tenant has provided absolutely no evidence or made any accusation of fraud.

While the tenant does accuse the landlord’s agent of “massive criminal conduct in violation criminal law”, I find the tenant has failed to provide any evidence of how the landlord or its agent obtained the order by fraud.

Decision

For the reasons noted above, I dismiss the tenant's Application for Review Consideration.

The decision made on January 11, 2012 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: January 26, 2012.

Residential Tenancy Branch