



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

### Introduction

A dispute resolution hearing was held on December 14, 2011, and the decision and order was issued on the same date.

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 is claiming that there is new and relevant evidence that was not available at the time of the original hearing.

### Facts and Analysis

The application contains information under Reasons Number 2

The applicant claims that a copy of the moveout inspection report was sent to both the tenant and the Residential Tenancy Branch in November of 2011, well before the December 14, 2011 hearing.

The landlord made the same argument at the original hearing however had no evidence to support the claim and therefore the dispute resolution officer refused to allow the evidence to be submitted on the day of the hearing.

The landlord has however, with the application for review, provided copies of postal receipts dated November 25, 2011, and therefore I feel there is a good possibility that the landlord had mailed the evidence that was missing from the original hearing.

Therefore this would be considered new and relevant evidence that was not available at the time of the original hearing.

### Decision

I allow the request for a new hearing and have directed the Residential Tenancy Branch to schedule a new hearing and provide new hearing letters to all parties.

The new hearing letters will be sent by mail to both parties.

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 03, 2012.

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Residential Tenancy Branch