



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: MNR OPR

Introduction

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/Tenants apply for review of the decision on the basis that the decision was obtained by fraud.

Issues

Have the Tenants substantiated fraud?

Facts and Analysis

The application sets out that the rent for January 2012 has been paid in full and that the amount owing for December 2011 rent was not paid by a roommate that left the unit.

The Decision found the Landlord to be entitled to an Order of Possession on the basis that rent for December 2011 had not been paid, with the exception of the amount of \$385.00 that was paid on December 12, 2011. The Tenants' submissions in this

application do not raise any facts that are different from those contained and relied upon in the Decision. The evidence of rent payment for January 2012 is not relevant to the previous decision or this current application. I therefore find that the Tenants have failed to establish any evidence of fraud capable of enabling a review of the Decision. Accordingly, the application for review is dismissed and the original Decision dated December 21, 2011 is confirmed.

Conclusion

The application for review is dismissed and the original Decision dated December 21, 2011 is confirmed.

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 10, 2012.

Residential Tenancy Branch