



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Introduction

This is an application by the Tenant for a review of the above noted Decision rendered by a Dispute Resolution Officer.

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 requests a review of the Decision based on the above the grounds of fraud.

Issues

Is the Tenant entitled to a review of the Decision?

Facts and Analysis

The Tenant's application submits that the Landlord failed to provide evidence that the Landlord refused to accept cash or a cheque for rent. The Tenant submits that the Landlord requested that the Tenant make a direct deposit but failed to fill out banking information. The Tenant submits that "I cannot receive money from Insurance direct to my account." The Tenant submits that the Landlord "has not submitted application" and "changed mailing information twice to delay action." The Tenant appears to submit that the Tenant is waiting for the Insurance company to send letters confirming receipt of the banking information.

Section 81 of the Act provides that an application for review may be dismissed or refused for consideration for one or more of the following reasons:

- The application does not give full particulars of the issues submitted for review or of the evidence on which the applicant intends to rely;
- The application does not disclose sufficient evidence of a ground for review;
- The application discloses no basis on which, even if the submission in the application were accepted, the decision or order should be set aside or varied; or
- The application is frivolous or an abuse of process; or
- The applicant fails to pursue the application diligently or does not follow an order made in the course of the review.

As the Tenant did not provide particulars in relation to when the Landlord required that the Tenant pay rent by direct deposit and whether and when the Tenant tried to pay the rent in relation to the date of receipt of the Notice to End Tenancy, I find that the Tenant's application does not give full particulars and does not disclose sufficient evidence of a ground for review. Accordingly, I dismiss the Tenant's application.

Decision

The Tenant's application is dismissed and the Decision made on February 15, 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: February 27, 2012.

Residential Tenancy Branch