



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

### 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 Tenant requests a review of the Decision based on the grounds of new and relevant evidence.

### Issues

Is the Tenant entitled to a review of the Decision?

### Facts and Analysis

The Tenant's application submits that there is new and relevant evidence and submits that the Landlord agreed that the Tenant would only be responsible for rent to November 15 if the Tenant moved out before October 15. The Tenant provides a handwritten memo signed by the Tenant and dated February 17, 2012. This memo sets out the sequence of events leading up to the ending of the tenancy. The Tenant also submitted a copy of a letter, dated February 9, 2012, from the Landlord to the Tenant that requests payment on a monetary order; a copy of the order; a copy of the Decision; a copy of a condition inspection report; and a copy of the tenancy agreement.

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.

With the exception of the application for review and the memo dated February 17, 2012, the materials submitted by the Tenant for the review are not new materials and are materials that were considered for the Decision. The application and the memo, contain essentially the same evidence and argument of the Tenant that the Tenant provided at the Hearing and that was considered in the Decision. The letter in relation to the monetary order submitted by the Tenant for this review application is not relevant to the issue. Accordingly, I find that the application does not disclose sufficient evidence of a ground for review and I dismiss the Tenant's application.

### Decision

The Tenant's application is dismissed and the Decision made on February 2, 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.

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Residential Tenancy Branch