



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: CNC FF

### 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 applies for a review on the basis of fraud.

### Issues

Is the Tenant entitled to a review of the Decision?

### Facts and Analysis

The Tenant submits in the application that the Landlord falsely stated that the Tenant always made payments within the 5 day period after receiving a Notice to End Tenancy for Non Payment of Rent. The Tenant submits that the Landlord keeps records of payments and payment arrangements. The Tenant submits that this shows that the Tenant often failed to pay rent until the 20<sup>th</sup> of the month. A review of the file materials and decision indicates that the Tenant gave similar evidence and made essentially the same argument at the Hearing.

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 submissions of the Tenant have already been considered in the Decision, I find that the application discloses no basis on which the Decision should be varied or set aside.

#### Decision

The Tenant's application is dismissed and the Decision made on February 6, 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