



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MND MNDC MNR 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 Applicant/Landlord applies for review of the decision on the basis that there is new and relevant evidence that was not available at the time of the Hearing.

### Issues

Is the Landlord entitled to a review?

### Facts and Analysis

The application provides a written statement setting out the new and relevant evidence relied upon to substantiate the review. This statement attaches the new evidence, in the form of witness communications, a rental agreement for the tenancy immediately prior to the tenancy in dispute and invoices for repair and damage costs. The Landlord submits that this information was not available at the time of the Hearing because the Landlord did not know that there was a requirement to provide proof to support the claims being made and that the Landlord misunderstood directions with respect to the

timing for the provision of evidence. Finally, the Landlord submits that the decision did not address several costs that “were clearly the fault of the Respondent, even without new evidence.”

Section 81 of the Act provides that an application for review may be dismissed where the application does not disclose sufficient evidence of a ground for the review. Although the Landlord has supplied evidence relevant to claims made in the application, there is no evidence to support a finding that this evidence is new evidence or evidence that was not available at the time of the Hearing. Not knowing about the rules of procedure and any need for providing supporting evidence in advance of the Hearing is not a valid reason to support a request for a review. The Residential Tenancy Branch provides such information on their website and through the provision of Information Officers that are available to directly answer any questions a party may have about the decision making process or making a claim that may meet the requirements of the Act. Although the Landlord submits that the Decision did not address several costs, I find that upon review of the Decision, all costs claimed were addressed in the Decision and, with the exception of the claim for rental arrears, were dismissed. Accordingly, the application for review is dismissed.

### Decision

The decision made on March 8, 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: April 11, 2012.

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Residential Tenancy Branch