



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78., as amended.

Dispute Codes: CNR MNSD O

Introduction

The Decision/Order under review is a decision on the Tenant's Application for Dispute Resolution to cancel a Notice to End Tenancy given for unpaid rent and for return of the security deposit. The Hearing was conducted on March 27, 2012, during which time the parties reached an agreement to settle the matter.

On her Application, the Tenant has applied for an extension of time to apply for review. She indicates on her Application for Review Consideration that, at the time of filing her Application on March 29, 2012, she had not yet received a copy of the Decision. Therefore, I find that her application for an extension of time is not required and this portion of her Application is dismissed.

Division 2, Section 79(2) of the *Residential Tenancy Act* provides that 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 following 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 applied for review on the second ground set out above.

Issues

Does the Tenant have **new and relevant** evidence that was not available at the time of the original hearing?

Facts and Analysis

In her Application for Review Consideration, the Tenant indicates:

“landlord agreed over hearing about not keeping my new rent money or any further moneys from me. he is refusing to give back my Aprils rent money even tho i am moving out by the 31st, claiming he can keep my Aprils rent money .”
(reproduced as written)

In support of her Application, the Tenant attached photographs of a series of text messages to and from the Landlord.

At the Hearing on March 27, 2012, the parties agreed that the tenancy would end on March 31, 2012, and “the parties agree that the Landlord can keep the security deposit which totals \$400.00 in full satisfaction of any rent owed for this tenancy”. The Dispute Resolution Officer recorded the settlement agreement in the form of a Decision, further to the provisions of Section 63 of the Act.

The Tenant and the Landlord came to an agreement to settle the matter on March 27, 2012. An Application for Review Consideration is not meant to enforce agreements, decisions or orders made at Dispute Resolution Hearings. The Tenant may wish to speak to an Information Officer with respect to procedural advice.

The Tenant’s Application for Review Consideration is dismissed. The original Decision and Orders dated March 27, 2012, are therefore **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: April 10, 2012

Residential Tenancy Branch