



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC CNR

Introduction

The Applicant/Tenant applies for review of the decision on the basis that the Tenant has new and relevant evidence.

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.

Issues

Is the Tenant entitled to a review of the Decision?

Facts and Analysis

The Tenant submits the following as new and relevant evidence: that the Tenants have a large number of farm animals to move, that the new unit is not ready to move into and that the Tenants are making financial arrangements to move. Although the Tenant submits that this is new and relevant evidence, I find that the evidence referred to by the Tenant is evidence that was available at the time of the Hearing and is not relevant to the dispute itself. Accordingly, I find that the Tenant has not met the conditions for a review and therefore dismiss the application for review.

Decision

The Tenant is not entitled to a review and the Decision made on May 22, 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: June 12, 2012.

Residential Tenancy Branch