



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC CNL CNR LAT PSF SS

Introduction

The Tenant applies for a review on the basis of fraud.

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 hearing?

Facts and Analysis

On August 22, 2012 the Tenant submitted an application for a review consideration of a Decision dated July 27, 2012. The Tenant did not indicate in the application the date the Decision was received by the Tenant. It is noted that the Tenant had previously made an application on August 17, 2012 however this application was missing information, including note of the date the Decision was received. The Tenant was informed by the Residential Tenancy Branch of those omissions and that the omissions must be completed on the application by August 22, 2012.

Section 80 of the Act provides that an application for review, in relation to an order of possession, must be made within 2 days of receipt of the decision. As the Tenant has not provided the date of receipt of the Decision, I cannot determine that the Tenant has made its application within 2 days of receipt of the Decision. It is noted that the application also appears to request an extension of the time to make the application however even if the application did request more time, the Tenant did not provide evidence as to why the Tenant was unable to make the application on time other than not being able to obtain information from a third party on August 3, 2012, presumably who would have information to support the fraud being alleged in the application. As there is no evidence to support the request for more time, I find that the Tenant has failed to apply within the time frame required under the Act.

Decision

The application is dismissed. The decision made on July 27, 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: August 27, 2012.

Residential Tenancy Branch