



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNR MNSD OPR

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 that a receipt in the amount of \$40.00 for a cash payment to the Landlord was found after the Hearing. The Tenant submitted a copy of the receipt indicating that the Tenant paid \$40.00 in cash on October 10, 2012 to J. This receipt is not dated or signed. In the Decision, it is noted that the Tenant confirmed that the outstanding rent was not paid and that the Notice was not disputed.

Section 81 of the Act provides that an application for review may be dismissed where, inter alia, the application does not disclose sufficient evidence of a ground for the review. Although the Tenant submits that there is new and relevant evidence of

payment of the amount of \$40.00 and has provided a copy of receipt issued for that payment, I find that due to the receipt indicating payment prior to the date of the Hearing, the receipt is evidence that was available at the time of the Hearing. As a result I find that there is insufficient evidence for a review on the basis of new evidence that was not available at the time of the hearing and I dismiss the Tenant's application for a review.

Decision

The Decision made on October 31, 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: November 13, 2012.

Residential Tenancy Branch