



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR OPR

On November 15, 2012, the Residential Tenancy Branch received an Application for Review in relation to Hearing held on October 30, 2012 and a following decision made by Dispute Resolution Officer (DRO) on October 30, 2012.

Introduction

The Applicant applies for review of the decision on the basis of an inability to attend the Hearing and on the basis of fraud.

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

Has the Applicant provided reasons for a review hearing?

Facts and Analysis

The Applicant submits that he is the Tenant at the dispute address and that he sublet the unit from the tenant named in the Decision. The Applicant submits that no notice of proceeding was provided to him, that he was not named as a party in the Application that resulted in the Decision and that the person named in the Decision does not live at the dispute address. The Applicant submits that the Landlord knew that the person named in the application and Decision did not reside at the dispute address and that the Landlord provided false information of service to and of a tenancy with the person who sublet the unit to the Applicant.

Section 79(2) of the *Residential Tenancy Act* provides that a party to the dispute may apply for a review of the decision. As the Applicant is not named as a party to the dispute, I find that the Applicant may not apply for a review of the Decision and Order and the application is dismissed.

Decision

The decision made on October 30, 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 28, 2012.

Residential Tenancy Branch