



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

**Dispute codes** CNQ CNR RR

**Decision: Leave for Review Denied**  
**Original Decision dated January 8, 2013 confirmed**

### Introduction

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.

### **REVIEW DECISION**

The applicant has applied on the grounds that a party has evidence that the director's decision or order was obtained by fraud. When asked to describe or list the fraudulent evidence, the applicant stated that the tenant has never paid a security deposit and therefore should not be entitled to the return of it. The applicant has submitted a letter that requests the tenant pay the landlord the security deposit. That letter is dated April 17, 2012. The back of that letter has hand written notations and is signed "Tami". The applicant feels that this proves he served her this notice and that payment was never made. The decision of the Arbitrator clearly outlines that the tenant was premature in her application and that the issue of the security deposit was dismissed with leave to

reapply. The tenant was not successful in her application. The landlord is at liberty to file his own application to seek a dispute resolution hearing if he deems it necessary but at this time there is no decision or order in favour of the tenant. I dismiss the landlord's application based on the lack of merit and premature nature.

The decision made on January 8, 2013 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: January 21, 2013