



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: OPR MNR

### Introduction

On January 3, 2013 a dispute resolution hearing was conducted by Direct Request to resolve a dispute between these two parties. The Landlord had applied for an order of possession and a monetary order for unpaid rent or utilities. The Landlord's application was granted. The Tenant has applied for a review of this decision. The Tenant has also made a request for extension of time to apply for review. The Tenant states that, "I didn't know I was being evicted til boxing day. Never received any eviction notice." The Tenant applied on January 4, 2013, 1 day after receiving the decision. I find that an extension of time is unnecessary as she cannot be said to have filed beyond the statutorily prescribed timeframe which is based upon receipt of the decision or order.

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

Does the Tenant have evidence that the decision was obtained by fraud?

### Facts and Analysis

The Tenant states that the fraudulent information was that, "Tenancy Agreement. Not my initials. Shelly was supposed to bring and have me sign in July. I have been bugging her for months. The eviction notice never got. As I paid rent in Dec. Dead bolt was already on door when moved in (did not add it) maybe guy changed lock."

The Tenant also states how the Landlord knew it was false by, “never signed, initial the agreement. as also never got a copy. The lease is also supposed to have my brother on it also.” The Tenant states that the false information was used to obtain the desired outcome by, “she doesn’t like having young tenants in the building. Also I have called her on trying to break in and not giving receipts. And evicting the tenants from across hall threw text. And throwing out all their stuff 2 days before they were supposed to be out.” The Tenant has provided various documents with hand written notations/comments disputing the contents.

I find that the Tenant/Applicant has failed to provide sufficient evidence to satisfy me that the Landlord obtained the decision by fraud. Instead the Applicant seeks to reargue details of the Landlord’s documentary evidence with no supporting data. The Application for Review is Denied.

#### Decision

The Application for Review is Denied.  
The decision made on January 3, 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 09, 2013.