



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC RP

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

Has the Tenant provided new and relevant evidence that was not available at the time of the original Hearing?

Facts and Analysis

The Tenant provided copies of emails to the Landlord in relation to repairs. The emails are dated between June 27, 2012 and January 4, 2013. The Tenant submits that these emails were not provided at the time of the Hearing due to the Tenant's lack of computer skills and lack of a printer. There is no indication from the Tenant's submissions that these emails were not otherwise available. The Tenant also submitted

a three page document outlining the Tenant's evidence in relation to repairs and contact with the Landlord that occurred prior to June 2012.

As the emails existed prior to the date of the hearing, I find that these emails were available at the time of the hearing. I do not accept that the Tenant's lack of skills stopped the Tenant from otherwise obtaining and providing these emails for the hearing. As the Tenant appeared at the hearing, the evidence provided in the submissions was also available through oral testimony at the time of the hearing. As a result, I find that the Tenant has not shown that the materials being relied on for this review were not available at the time of the hearing and I dismiss the Tenant's application for a review.

Decision

The Decision made on January 31, 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: February 12, 2013