



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: CNC RR

### Introduction

On February 22<sup>nd</sup> and 26<sup>th</sup>, 2013 a dispute resolution hearing was conducted to resolve a dispute between these two parties. The Landlord had applied for an order of possession and the Tenants had applied for an order cancelling the notice to end tenancy issued for cause, an order to obtain an order of possession, a monetary order for money owed or compensation for damage or loss and an order allowing the Tenants to reduce rent for repairs, services or facilities agreed upon but not provided. Both parties attended the hearing and provided testimony. The Landlord's application was granted. The Tenant's Application was dismissed. The Tenant has applied for review of this decision.

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 new and relevant evidence that was not available at the time of the original hearing?

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

### Facts, Analysis and Decision

The application contains information under Reasons Number 1 and 2.

The Tenants state as their new and relevant evidence that, "The Landlords witness moved out 9 months ago not 6. He was evicted for non payment of rent. If this alleged incident took place, why were we not charged or arrested, also why we not evicted at the

time of this supposed incident.” The Tenant has also stated under evidenced of fraud and their reasons for fraud that, “The incident between us and a former tenant. The former Tenant bragged about being paid by the Landlord’s to give a false statement against us. We have a witness [name withheld to protect privacy]. It helped get us evicted.”

I find that the reasons provided by the Tenant do not meet the standards of new and relevant evidence or of fraud. The Tenant’s statements seek to re-argue aspects of evidence in the original hearing and has alleged new and relevant evidence and fraud, but has failed to provide sufficient evidence of such. The Tenant has stated that that they have a witness, but have not provided any details of evidence of what the witness would provide. The Tenants have also failed to provide details of how this evidence if supported would change the outcome of the original decision.

The Tenant’s Application for Review is dismissed.  
The decision made on February 27, 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: March 15, 2013

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Residential Tenancy Branch