



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

**Dispute codes:** CNQ

**Decision: Leave for Review Denied**

**Original Decision dated February 28, 2013 is 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 they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control. The applicant stated in their application that they had "mixed up" the hearing times. This is an oversight and error on the part of the applicant. The applicant initiated the dispute process and was fully aware of the date and time of the hearing.

The applicant has not demonstrated how this issue was beyond their control and accordingly I dismiss this portion of their application.

The applicant has also applied on the grounds that they have new and relevant evidence that was not available at the time of the hearing. The applicant has submitted a “spreadsheet showing declaration of assets”. The applicant stated that that this information was not available at the time of the hearing as they had not submitted in their original hearing package. I do not accept this as new and relevant evidence for the following reasons; firstly the applicant stated that they had not submitted the information but have not provided any information as to whether this was obtained after the hearing or was it an oversight on their part that it was not included in the original evidence package, and secondly; the “spreadsheet” has no identifying information such as a name, address, or date of birth. The information is insufficient and not helpful. I am not satisfied with the insufficient evidence provided by the applicant and accordingly dismiss this portion of their application.

The landlords application is dismissed in its entirety.

The decision made February 28, 2013 is confirmed.

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 12, 2013

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Residential Tenancy Branch