



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: MNR OPR

Introduction

The Tenant applies for a review consideration of the Decision and Order on the basis that the Tenant was unable to attend and on the basis of fraud.

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 reasons and evidence for a review consideration?

Facts and Analysis

The Tenant submits that she was unable to attend the hearing as she became disoriented and lost downtown in an unfamiliar environment. As the Hearing was conducted by telephone conference, without additional information from the Tenant, I am unable to discern the relevance of this submission and find therefore that this submission does not provide reasons of an inability to attend the hearing due to circumstance that could not be anticipated and were beyond the control of the Tenant,

The Tenant submits that the Decision was obtained by fraud and sets out apparent violations by the Landlord including health and safety violations and lack of maintenance and repair. The Tenant also submitted a handwritten page of notes that also appear to be in relation to the Tenant's claim and application for compensation and repairs, which I note was dismissed in the Decision. As none of these submissions appear to be in relation to the provision of fraudulent evidence by the Landlord and I note that the Landlord was provided an order of possession on the basis of unpaid rent, I find that the Tenant has not provided evidence that fraud was used to obtain the order of possession.

Decision

The Tenant is not entitled to a review and the Decision made on March 29, 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 27, 2013

Residential Tenancy Branch