



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Mainstreet Equity Corp  
and [tenant name suppressed to protect privacy]

## **REVIEW CONSIDERATION DECISION**

Dispute Codes OPR, MNR

### Basis for Review Consideration

Section 79(2) of the Residential Tenancy Act (Act) states that 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.

### Applicant's Submission

The application for review consideration states the decision should be reviewed on the ground(s) of a party has evidence that the director's decision or order was obtained by fraud.

### Analysis

The tenant submitted receipts for rental payments. The tenants state that their rent was paid and that the landlord has fraudulently obtained an order of possession. On the receipts issued by the landlord it clearly states "for use and occupancy only". In the tenants own documentary evidence it shows that payment of rent was not within five days of receiving the notice to end tenancy. The tenant did not pay the rent within five days of receiving the notice nor did they make an application to dispute the Notice. The tenants are presumed to conclusively accept that the tenancy has ended. The tenant has not provided sufficient evidence to display that the landlord obtained a decision by fraud and accordingly I dismiss the tenant's application in its entirety.

Conclusion

I dismiss the Application for Review Consideration. The original decision and order made on March 26, 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: April 08, 2013

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Residential Tenancy Branch