



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Rancho Management Services  
and [tenant name suppressed to protect privacy]

## **REVIEW CONSIDERATION DECISION**

Dispute Codes FF, MND, MNSD

### 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 1 & 3 above.

The applicant stated that they were unable to attend the original hearing because they called in and didn't get through, and the decision was obtained by fraud because false pictures were submitted.

## Analysis

### Ground number 1

It's my finding that the applicants have not met the burden of proving that they were unable to attend the original hearing.

The application simply states: "CALLED IN-DIDN'T GET THROUGH" and offers no explanation of what attempts were made to get into the conference call, or what happened when they attempted to join the conference.

I therefore am not willing to grant a review hearing under ground number 1

### Ground number 3

To prove an allegation of fraud the parties must show that there was a deliberate attempt to subvert justice. A party who is applying for review on the basis that the Arbitrators decision was obtained by fraud must provide sufficient evidence to show that false evidence on a material matter was provided to the Arbitrator, and that that evidence was a significant factor in the making of the decision. The party alleging fraud must allege and prove new and material facts, or newly discovered and material facts, which were not known to the applicant at the time of the hearing, and which were not before the Arbitrator, and from which the Arbitrator conducting the review can reasonably conclude that the new evidence, standing alone and unexplained, would support the allegation that the decision or order was obtained by fraud. The burden of proving this issue is on the person applying for the review. If the Arbitrator finds that the applicant has met this burden, then the review will be granted.

In this case it's my finding that the applicants have not met the burden of proving

that the original decision was obtained by fraud. The applicants have alleged that false pictures were submitted at the original hearing; however they have supplied insufficient evidence to support that allegation.

I therefore am not willing to grant a review hearing under ground number 3.

Conclusion

I dismiss the Application for Review Consideration. The original decision and order(s) made on March 07, 2013 are 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 04, 2013

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Residential Tenancy Branch