



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: CNC MT

### Introduction

This is an application by the landlord for a review of a decision of the director dated May 17, 2013.

The landlord applied for a review on the grounds that they have new and relevant evidence that was not available at the time of the original hearing; and they have evidence that the director's decision or order was obtained by fraud.

### Issues

Has the landlord provided sufficient evidence to support one of the indicated grounds for review?

### Facts and Analysis

#### *Original Hearing and Decision*

The original hearing was convened on May 15, 2013, pursuant to an application by the tenant to cancel a notice to end tenancy. The landlord sought to end the tenancy on the basis that the tenant had breached the tenancy agreement by having an additional occupant in the rental unit. In the decision dated May 17, 2013, the arbitrator considered all of the testimony and other evidence of the landlord and tenant and found that the landlord had failed to establish the validity of the notice. The arbitrator cancelled the notice to end tenancy.

#### *Landlord's Submissions*

In the application for review, the landlord submitted a copy of the tenancy agreement, the subsidy agreement between the landlord and the tenant, and several other documents that are date-stamped as received in September and October of 2012. The landlord did not indicate in their application for review why these materials were not available at the time of the hearing.

In regard to the allegation of fraud, the landlord submitted that the extra occupant was there from January 2010 to March 25, 2013. The landlord did not indicate who committed the fraud or how the false information was used to get the desired outcome in the hearing.

### *Analysis on Review*

The additional evidence that the landlord submitted in his review application is not new and could have been submitted as evidence in the original hearing. The landlord is merely attempting to re-argue the same issues he raised in the original hearing. I therefore find that the landlord is not entitled to a review on the ground of new and relevant evidence.

In regard to the claim of fraud, I find that the landlord's submissions in this application for review consideration merely consist of arguments that the landlord had the opportunity to present during the hearing. It is clear from the decision dated May 17, 2013 that both the landlord and the tenant provided their evidence, and the arbitrator preferred the evidence of the tenant over that of the landlord. The fact that the landlord disagrees with the conclusion reached by the arbitrator does not amount to fraud. I therefore do not accept the landlord's claim that the arbitrator's decision was obtained by fraud.

Decision

I dismiss the application for review and confirm the original decision of May 17, 2013.

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: May 30, 2013

---

Residential Tenancy Branch