



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes CNR, MT

### 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

This matter involved cross applications for dispute resolution.

The application for review consideration states the decision should be reviewed on the ground that the Tenant has new and relevant evidence that was not available at the time of the original hearing.

The Tenant has provided documents in evidence comprised of receipts paid for rent in September, October, November and December of 2011. The Tenant has also provided a shelter information form dated February 13, 2011.

The Tenant writes in the application that these documents were not available to her because they were packed in a box when she was preparing to move.

The Tenant has also requested corrections be made to the decision.

### Analysis

Based on the above, the evidence submitted and on a balance of probabilities, I find **the application for review consideration must be dismissed.**

Policy Guideline 24 to the Act explains that a review may be granted on this basis if the applicant can prove **each** of the following:

- he or she has evidence that was not available at the time of the original hearing;
- the evidence is new;
- the evidence is relevant to the matter described in the initial application;
- the evidence is credible; and
- the evidence would have had a material effect on the original decision.

I find the Tenant has not provided new evidence that was not available at the time of the original hearing. I find this evidence was in existence at the time of the original hearing and was available to the Tenant. The Tenant could have taken reasonable steps to locate and present it for the hearing. A hearing is a formal legal proceeding and parties must prepare for it.

I also dismiss the Tenant's request for corrections to the decision. The purpose of a review consideration is not to make corrections to a decision. The Tenant should apply for corrections using the correct form and procedures. The Tenant may seek advice from an Information Officer at the branch on how to apply for corrections.

### Conclusion

I dismiss the Application for Review Consideration. The original decision made on May 14, 2013 is confirmed and remains in full force and effect.

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 31, 2013

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Residential Tenancy Branch