



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

### Introduction

On January 21, 2013 by conference call and again on February 19, 2013 in person at Burnaby, a dispute resolution hearing was conducted to resolve a dispute between these two parties. The Tenant had applied for a monetary order for the return of double the security deposit. Both parties attended the hearing and gave evidence. The Landlord was ordered to return the Tenant's deposit. The Landlord has applied for review of this decision.

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.

The Landlord has made a request for an extension of time to make this application for review. The Landlord states that he received the decision on May 20, 2013 and subsequently filed an application for review on May 27, 2013. The Act provides that the Applicant in this case make an application within 15 days of receiving the decision or order. I find that no such extension is required as it cannot be said that the Applicant did not file within the allowed time period.

### Issues

Does the Landlord have evidence that the decision was obtained by fraud?

### Facts and Analysis

The Applicant states, "False information regarding the duration of the tenancy contract was submitted." The Applicant states that the desired outcome was gained by providing false information, "I feel the tenants are manipulating the system by avoiding the responsibility of their actions by fraudulent claims." The Applicant has also submitted copies of the Landlord's original evidence in the hearing regarding damage to the rental.

The original hearing dealt with the return of double the security deposit. The original decision spoke to Section 38 of the Residential Tenancy Act which provides for the process of the return and for any dispute for the return of the security deposit.

The Landlord confirmed that the deposit was not returned nor did the Landlord apply for dispute resolution to dispute the return of the deposit. The hearing date was confirmed as the date the Landlord received the Tenant's forwarding address in writing by the Arbitrator. The Applicant has failed to provide any relevant evidence of how this decision was obtained through fraud.

### Decision

The Application for Review is denied.

The decision made on February 19, 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: May 30, 2013

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Residential Tenancy Branch