Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNR ERP FF RR

Introduction

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.

Facts and Analysis

The tenant stated on her application that she has new and relevant evidence and also that the landlord obtained the decision by fraud. The tenant stated that she had moved out in 2006 and told the landlord of that fact. The tenant provided a bank statement reflecting two different addresses during that time frame.

Decision

The tenant stated she was present during the hearing and advised the Arbitrator that she was in fact not a tenant. The tenant has not explained why the documents provided by the tenant for this application are new and relevant evidence. The tenant has leave to request a clarification or correction from the Arbitrator that conducted the hearing.

The tenant did not provide a letter giving notice to the landlord that she was moving out as part of her application. The tenant has not provided sufficient evidence that the decision was obtained by fraud.

Based on the above the tenant has not provided sufficient evidence to be successful in this application and I therefore dismiss this application in its entirety.

The decision made on April 12, 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 02, 2013

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Residential Tenancy Branch