



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Decision: Leave for Review Denied

Original Decision and Order dated February 5, 2013 confirmed

Dispute Codes: FF MNSD

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.

REVIEW DECISION

The applicant has applied on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control.

The applicant stated in their application that they were not aware of the hearing. The Arbitrator stated in the decision that they had found the landlords had been served in Accordance with the Act. The applicant has not provided any disputing evidence in this regard and is unable to dispute they were notified through registered mail, I therefore dismiss this portion of their application.

The applicant has also applied on the grounds that they have new and relevant evidence that was not available at the time of the hearing. The applicant has submitted some posting from the internet and e-mails enquiring about the suite. The landlords have failed to clearly outline and

explain the relevance and weight of this documentation. Based on the unclear and insufficient documentation before me I dismiss this portion of the landlords' application.

The applicants have also applied on the grounds that a party has evidence that the director's decision or order was obtained by fraud. When asked to describe or list the fraudulent evidence, the applicant states that they had never received a letter to end tenancy and that the tenant "lied". The Arbitrator stated in the decision that they had found the landlords had been served the forwarding address in Accordance with the Act. The Arbitrator did not have any issues with the service of any documents. The applicant has not provided any disputing evidence in this regard and is unable to dispute they were notified through registered mail, I therefore dismiss this portion of their application.

For the above reasons I dismiss the application for leave for review. The original decision and order dated February 5, 2013 is 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: May 09, 2013

Residential Tenancy Branch