



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

REVIEW CONSIDERATION DECISION

Dispute Codes OPR, MNR

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

The application for review consideration states the decision should be reviewed on the ground(s) that there is new and relevant evidence that was not available at the time of the original hearing, and that the original decision was obtained by fraud.

The applicant states that she was never contacted before the hearing and so had no input.

The applicant also states that she paid the March 2013 rent on March 17, 2013 but the landlord never gives receipts.

Applicant also states that she has the rent money but the landlord will not accept it.

Analysis

It is my finding that the applicant has not shown that there is any new and relevant evidence that was not available at the time of the original hearing.

The arbitrator made a finding in the original decision that the respondent had been properly served by registered mail with notice of the direct request proceeding, and therefore it's my finding that the tenant was properly contacted prior to the original direct request proceeding. It should be noted the parties are considered served in five days when documents are sent by registered mail, even if they fail to pick up the registered mail.

The tenant also claimed she has paid the rent for March 2013 and that she has the rent money but the landlord will not accept it; however the tenant has provided no evidence in support of these claims and therefore it's my finding that the tenant has not shown that the original decision was obtained by fraud.

Conclusion

I dismiss the Application for Review Consideration. The original decision and order(s) made on May 02, 2013 are 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