



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNR 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 applicants have applied on the grounds that they have new and relevant evidence that was not available at the time of the hearing as well that a director's decision or order was obtained by fraud. The tenant is relying on the same evidence for both of these grounds. The applicant has submitted a recording that they say was made after the Arbitrator had exited the hearing. The applicant states that the landlord had not hung up the line and that discussions were being held about the validity of one of the landlords' witnesses. The applicant states that it brings into question the validity and weight of the witnesses statement. I have reviewed the audio file submitted and found it to be of a poor quality and not helpful. In addition to that, I am unable to ascertain who the parties are on the line and when this recording was made.

I must note that the Rules of Procedure 9.1 regarding Private Recording states:

*Private audio, photographic, video or digital recording of the dispute resolution proceeding is **not permitted**.*

The applicants also stated in their application that the landlord used a fraudulent document to support their claim; however the tenants did not supply any refuting evidence. The tenants were present at the hearing and had the opportunity to challenge that document, but did not. The review process is not a mechanism for parties to have facts reheard.

For the above reasons I dismiss the application for leave for review in its entirety. The original decision and order dated January 23, 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: June 27, 2013

Residential Tenancy Branch