



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC

Introduction

The Applicant/Landlord applies for review of the decision on the basis of new and relevant evidence.

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.

Issues

Are the evidence submissions new and not available at the time of the original hearing?

Facts and Analysis

The Landlord submits that as the Landlord was unfamiliar with the hearing procedure its papers and photos were not provided on time to the arbitrator. Further, the Landlord submits that the Landlord did not feel safe to take photos at that period. The Landlord provided a one page document setting out details of the non-payment of rent, damage to the unit, and complaints about the Tenants along with photos of the damages to the unit.

A review of the submissions indicates that none of the evidence provided is new or was unavailable at the time of or prior to the hearing. The Landlord's submissions are in essence an attempt to introduce evidence that was available at the time of the hearing and to reargue the findings made by the Arbitrator. As such there is no basis upon which to set aside the Decision.

Decision

The decision made on July 3, 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: July 18, 2013

Residential Tenancy Branch