



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

### Introduction

On July 26, 2013 the landlord was provided an Order of Possession and a Monetary Order for unpaid rent for the month of July 2013 under the Direct Request procedure. The tenant submits that she received the decision granting the above Orders on July 31, 2013. I am satisfied the tenant has filed this request for a review hearing within the time limit specified by the Act.

Section 79(2) under the *Residential Tenancy Act* provides that a party to a dispute may apply for a review of the decision. The Direct Request procedure is by written submission of the landlord only. Accordingly, a tenant may apply for a review hearing on the following ground: “a party has evidence that the director’s decision or order was obtained by fraud.” The tenant has filed this Application for Review Consideration on this ground.

### Issues

Has the tenant provided evidence that the decision and/or Orders issued July 26, 2013 were obtained by fraud?

### Facts and Analysis

In filing the Landlord’s Application for Dispute Resolution, the landlord had submitted and provided evidence that a 10 Day Notice to End Tenancy for Unpaid Rent was posted on the door of the rental unit on July 6, 2013 and rent remained outstanding at the time of filing.

In filing her Application for Review Consideration, the tenant asserts that “he did not put the 10 day notice on the 6<sup>th</sup>” and that this incorrect date was used to evict the tenant. The tenant did not indicate which date the 10 Day notice was received. The tenant did not indicate that the rent has been paid.

Section 79(3)(c) of the Act provides that a party that applies for review consideration “must be accompanied by full particulars of the grounds for review and the evidence on which the applicant intends to rely”.

Providing full particulars and sufficient evidence is paramount as section 81(1)(b) provides that an application may be dismissed or refused where:

(b) the application

- (i) does not give full particulars of the issues submitted for review or of the evidence on which the applicant intends to rely,
- (ii) does not disclose sufficient evidence of a ground for the review,
- (iii) discloses no basis on which, even if the submissions in the application were accepted, the decision or order of the director should be set aside or varied, or

[my emphasis added]

I find that the tenant did not provide sufficient particulars or evidence in order for me to conclude that the landlord’s submissions were fraudulent or that if the tenant did receive the 10 Day Notice on a different date the outcome would have been different.

Therefore, I dismiss the tenant’s request for a review hearing and the Orders issued on July 26, 2013 stand.

#### Decision

The tenant’s Application for Review Consideration has been dismissed. The decision and Orders issued July 26, 2013 stand and remain enforceable.

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: August 08, 2013

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Residential Tenancy Branch