



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.

Introduction

This application was filed by the tenant, requesting a review consideration of the Decision made on August 08, 2013, which granted the landlord an order of possession and a monetary order for unpaid rent.

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.

The tenant has applied based on ground 3 for review consideration.

Issues

Does the tenant have evidence the director's decision or order was obtained by fraud?

Facts and Analysis

The tenant writes in their application that the information submitted for the initial hearing was false, and what would have been true, which in part reads:

"The DRO who conducted this hearing was rude, refused to let me present my side of the story and go over the 56 pages of evidence I submitted."

[Reproduced as written]

The tenant further writes in their application how did the person who submitted the information know it was false, which in part reads:

“The gross negligence of the DRO (name removed) regarding this file is just unbelievable. He had completely ignored every piece of false information provided by the agent of the landlord that I pointed out to him and submitted evidence proving.”

[Reproduced as written]

In this case, the tenant argued that the testimony of the landlord agent was fraudulent and the Arbitrator ignored false information proved. However, the tenant has not provided evidence that the decision was obtained by fraud. The arbitrator heard arguments from both parties on the issues that were scheduled for the hearing and made a decision based on the evidence presented. The review process is not an opportunity for the tenant to reargue the case. Therefore, I find the tenant has failed to prove the decision or order was based on fraud.

Decision

Based on the above, the application and on a balance of probabilities, I find the tenant application for review consideration must be dismissed.

Therefore, I find the Decision and orders made on August 8, 2013, stand and remain in full force and effect. The tenant's application for review is dismissed.

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 22, 2013

Residential Tenancy Branch