



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: MNDC

### Introduction

This is an application by the landlord for a review of an order of the director dated July 26, 2013.

The landlord applied for a review on the grounds that they have new and relevant evidence that was not available at the time of the original hearing; and they have evidence that the director's decision or order was obtained by fraud.

### Issues

Has the landlord provided sufficient evidence to support one of the indicated grounds for review?

### Facts and Analysis

#### *Original Hearing and Decision*

The landlord and the tenants participated in the teleconference hearing that convened on July 23, 2013 pursuant to the tenants' application for monetary compensation. In the decision dated July 26, 2013, the arbitrator considered all of the testimony and other evidence of the landlord and tenants and found that the tenants were entitled to compensation of \$400 for cleaning sewer spillage from a plugged line and for recovery of the tenants' \$100 filing fee.

#### *Landlord's Submissions*

In the application for review, the landlord indicated that they never saw the alleged damage by sewer spillage, and they therefore did not believe that the damage actually occurred. The landlord further indicated that the tenant lied about Fraser Health telling the landlord to re-do the septic, and therefore the tenant's monetary award was received by fraud.

### *Analysis on Review*

The additional evidence that the landlord submitted in their review application is not new and could have been submitted as evidence in the original hearing. The landlord is merely attempting to re-argue the same issues they raised in the original hearing. I therefore find that the landlord is not entitled to a review on the ground of new and relevant evidence.

In regard to the claim of fraud, I find that the landlord's submissions in this application for review consideration merely consist of arguments that the landlord had the opportunity to present during the hearing. It is clear from the decision dated July 26, 2013 that both the landlord and the tenant provided their evidence, and the arbitrator preferred the evidence of the tenant over that of the landlord. The fact that the landlord disagrees with the conclusion reached by the arbitrator does not amount to fraud. I therefore do not accept the landlord's claim that the arbitrator's decision was obtained by fraud.

### Decision

I dismiss the application for review and confirm the original decision and order of July 26, 2013.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: August 20, 2013

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Residential Tenancy Branch