



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: MNR OPR

Introduction

This Application was filed by two applicants claiming to be “tenants” on September 18, 2013, seeking a Review Consideration of a Decision they claim to be dated on September 16, 2013 and received on their door on September 17, 2013. The two applicants failed to provide a copy of the Decision referred to in their Review Application, however, the file number provided is actually for a Decision dated September 23, 2013, and not September 16, 2013 as claimed by the two applicants.

Division 2, Section 79(2) under the *Residential Tenancy Act* says a **party to the dispute** may apply for a review of a 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 two applicants have applied on the second ground.

Facts, Analysis and Decision

Firstly, the two applicants named in this Review Application are not named parties to this dispute. Secondly, the two applicants did not include a Decision with their application, and there is no Decision dated September 16, 2013 as claimed by the two applicants. The only related Decision is dated September 23, 2013 which was issued after the date of this Review Application.

Section 79 of the *Act* provides for a party to a dispute resolution proceeding to apply to the director for a review of the director’s decision or order. In the matter before me, two applicants have submitted a Review Application; however, they have failed to provide evidence that they are a party to the dispute. Based on the above, **I find** the two

applicants are not parties to the dispute. Therefore, **I dismiss** the applicants Review Application as the *Act* only provides for a party to a dispute to apply under section 79 of the *Act* for a Review Application.

I do not find it necessary to consider this Review Application further as the two applicants are not parties to this dispute and have no standing under *Act* to submit a Review Application.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: September 23, 2013

Residential Tenancy Branch