



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Introduction

This is an application by the landlord for a review of a decision of the director dated September 23, 2013.

The landlord applied for a review on the grounds that she has new and relevant evidence that was not available at the time of the original hearing; and she has 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

In the decision dated September 23, 2013, the arbitrator considered all of the testimony and other evidence of the landlord and tenant and found that the tenant's evidence was more credible than that of the landlord. The arbitrator granted the tenant monetary compensation of \$1000.

Landlord's Submissions

In the application for review, the landlord stated that she received an order of possession and a monetary order against the tenant on September 18, 2013, but the tenant totally ignored the orders and was non-compliant, so the landlord had to enforce the order of possession by having a bailiff remove the tenant.

In regard to the allegation of fraud, the landlord submitted that the tenant lied about numerous issues in the hearing, which resulted in the tenant receiving a monetary award.

Analysis on Review

The additional evidence that the landlord submitted in her review application is not relevant to the decision she has applied to review. The fact that the landlord was successful in obtaining an order of possession and a monetary order in a separate hearing is not relevant to the decision of September 23, 2013. 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 September 23, 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 of September 23, 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 *Residential Tenancy Act*.

Dated: October 21, 2013

Residential Tenancy Branch