



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: Ff MND MNSD

Introduction

This is an application by the landlord for a review of a decision of the director dated September 13, 2013.

The landlord applied for a review on the ground that they have new and relevant evidence that was not available at the time of the original hearing.

Issues

Has the landlord provided sufficient evidence to support the indicated ground for review?

Facts and Analysis

Original Hearing and Decision

On July 24, 2013, the landlord filed an application for monetary compensation, including compensation for carpets that the landlord alleged the tenant had damaged. The hearing was convened on September 10, 2013. In the decision dated September 13, 2013, the arbitrator weighed the evidence and found that the landlord had failed to provide sufficient evidence to support their claim for carpet replacement.

Review Applicant's Submissions

In the application for review, the landlord submitted that they have a statement update from a carpeting professional, regarding the condition of the carpets. This evidence would clarify the misunderstanding that the arbitrator had with initial evidence given. The letter, dated September 19, 2013, outlines the observations of the carpeting in question by the author of the letter, when he attended the rental unit on July 24, 2013.

Analysis on Review

The landlord made their application for dispute resolution on July 24, 2013. An applicant for dispute resolution has the obligation to submit all relevant evidence with their application or as soon as it becomes available. I find that the landlord could have obtained this letter from the carpet professional and submitted it as evidence well in advance of the hearing.

I find that the additional evidence indicated in the landlord's application for review was not new or unavailable at the time of the original hearing. The landlord has therefore failed to provide sufficient evidence to show that he had new and relevant evidence that was not available at the time of the hearing.

Decision

I dismiss the application for review and confirm the original decision and order of September 13, 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 1, 2013

Residential Tenancy Branch