



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC FF LRE OLC PSF

Introduction

This is an application by the landlord for a review of a decision of the director dated October 17, 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 establish that they have new and relevant evidence that was not available at the time of the original hearing?

Facts and Analysis

Original Hearing and Decision

The original hearing convened on October 10, 2013, pursuant to applications by the landlord and the tenant. In part, the landlord sought monetary compensation of \$1800 for lost revenue for the month of October 2013. The tenant applied, in part, to cancel a notice to end tenancy. In the decision dated October 17, 2013, the arbitrator determined that in the absence of any evidence that the landlord had undertaken to mitigate the rental income by advertising for new renters, the landlord was entitled to \$900, or half a month's rent, for October 2013.

Review Applicant's Submissions

In the application for review, the landlord submitted that they have documentary evidence showing that they began advertising the rental unit for re-rent beginning October 11, 2013. The landlord submitted that as part of the tenant's application was to cancel a notice to end tenancy, the landlord's understanding was that they could not enter the unit until after the hearing took place. The landlord submitted that this evidence would show that the landlord took reasonable steps immediately after the hearing to mitigate their loss of rental income, and they therefore should be entitled to

lost revenue of \$1800 for the full month of October 2013, rather than \$900 as granted in the decision.

Analysis on Review

I find that the landlord has failed to establish that they have new and relevant evidence that was not available at the time of the hearing. The evidence that the landlord began advertising to re-rent on October 11, 2013 only shows that the landlord began to take steps to mitigate their loss after the hearing had concluded. The arbitrator based his decision on the evidence before him at the time of the hearing. Therefore, while this evidence may be new, it is not relevant to the decision dated October 17, 2013.

Decision

I dismiss the application for review and confirm the original decision dated October 17, 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 29, 2013

Residential Tenancy Branch