



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

### **Decision: Leave for Review Denied**

**Original Decision and Order dated October 1, 2013 confirmed**

Dispute codes: CNC CNR FF LAT MNDC MNR O RR

### Introduction

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of the 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.

## **REVIEW DECISION**

The applicants have applied on the grounds that a party has evidence that the director's decision or order was obtained by fraud. When asked to describe or list the fraudulent evidence, the applicant stated that the landlord gave evidence that they did not receive the payment of first and last month's rent as well as the full damage deposit. The applicant has submitted a cancelled cheque to support their position. I have reviewed the file and the previous decision. Based on the tenancy agreement and the testimony given at the hearing the parties agree that the rent is \$1550.00 per month. The tenant stated that they paid the first and last month's rent \$1550.00 X 2 and the deposit of \$775.00 = \$3875.00. The tenant has submitted a cheque in the amount of \$3500.00. The cheque directly conflicts with the tenant's statement on their application; based on

the inconsistent and contradictory documentation provided I must dismiss the tenant's application.

For the above reasons I dismiss the application for leave for review. The original decision and order dated October 1, 2013 is confirmed.

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 16, 2013

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Residential Tenancy Branch