Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Decision: Leave for Review Denied
Original Decision dated October 15, 2013 confirmed

Dispute codes: CNC FF MNDC OLC

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 applicant has applied on the grounds that they have new and relevant evidence that was not available at the time of the hearing. The evidence the applicant referred to in his application was the Arbitrator did not allow the tenant to provide testimony. The applicant has also provided letters and maps to dispute the claims of the landlord.

In reviewing the application as provided by the tenant he has not explained how this is new and relevant information that wasn't available at the time of hearing. The tenant was present at the hearing and was provided the opportunity to dispute any claims made by the landlord. In addition the letters the tenant submitted from his girlfriend stating that she did not live at the subject unit could have been easily obtained prior to the hearing. The tenant has not provided sufficient evidence to be successful in his application.

The tenant's application is dismissed.

The decision made on October 15, 2013 stands.

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 24, 2013

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Residential Tenancy Branch