



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC MNDC OLC

Introduction

The Tenant applies for a review on the basis of new and relevant evidence and on the basis of fraud.

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.

Issues

Has the Tenant provided evidence that was not available at the time of the hearing?

Has the Tenant provided evidence of fraud?

Facts and Analysis

The Tenant submits that there is new evidence in relation to repairs made to the unit and attaches a letter dated September 25, 2013 from a witness who states that he was present when the repairs were made. The Tenant submits that there is new evidence that the Tenant was a victim and attaches a letter from the person who was informed by the Landlord of this fact. This person also notes in the letter that they were a Witness to

the Hearing. It is noted that the Decision does not indicate this person's attendance at the hearing.

The Tenant submits that the Landlord lied at the hearing but does not indicate what those lies were. The Tenant also submits that the Landlord photocopied police business cards that were false. The Tenant does not indicate the basis for submitting that the cards were false.

Section 81 of the Act provides that an application may be dismissed where the application does not disclose sufficient evidence of a ground for a review. As the letters provided by the Tenant were provided by persons who had this knowledge prior to and at the time of the hearing, I find that the Tenant has failed to provide new and relevant evidence that was not available at the time of the hearing. As the Tenant has not provided any basis for the submissions that the police cards were false, I find that the Tenant had not provided sufficient evidence for the grounds of fraud. As a result, I the Tenant's application for review is dismissed.

Conclusion

The Tenant's application for review is dismissed.

The decision made on September 16, 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 11, 2013