



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC O OPB OPC

Introduction

This is an application by the Tenants for a review of the decision of an Arbitrator dated October 1, 2013. The original hearing heard two applications one by the Landlord who applied for an Order of Possession and a monetary compensation for damages or loss under the Act, regulations or tenancy agreement and a second application by the Tenants to cancel the Notice to End Tenancy. Both the Landlord and Tenants attended the hearing.

The Tenants application was dismissed as they did not file their application within the time limits allowed under the Act and the Arbitrator did not accept the reasons the Tenants gave for requesting more time to file their application.

The Landlord was successful in their application and was awarded an Order of Possession dated October 1, 2013 with an effective vacancy date of 2 days after service of the Order on the Tenants.

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

The Tenants' application for a review of the previous Arbitrator's decisions is on the grounds that the Tenants have new and relevant information. Is the Tenants' application justified?

Facts and Analysis

The Tenants applied for a review based on new and relevant evidence. The Tenants submitted their application saying the Arbitrator was bias for the Landlord, that the complaint letters submitted by the Landlord were false, that only one breach notice was delivered officially to them and that the Landlord said there were four breach letters, but the Tenants only had one breach letter. The Tenants' application requests a review hearing based on their comments. The Tenant did not submit any evidence to support the claims made on the review application.

The Tenants are saying that they have new and relevant evidence but after reviewing the Tenants review application there is no evidence provided. The Tenants submitted their review application, a copy of the decision and order and a copy of the application to waive the filing fee. The Tenants have not provided any new or relevant evidence or for that matter any evidence to support their claims. Consequently, I find the Tenants are re-arguing the decision and have not provided anything that was not available to them at the first hearing. As well the tenant has not provided corroborating evidence for any of their statements in the review application; therefore the Tenants have not met the burden of proof required. I do not accept the Tenants' application as new or relevant evidence; therefore I dismiss the Tenants' application for review consideration.

Consequently, I find the Tenants have not established grounds for a review hearing. The decision and Order of the Arbitrator both dated October 1, 2013 stand in full effect and the Tenants' application for a review hearing is dismissed without leave to reapply.

Decision

In considering the evidence on the Tenants' review application, I find that the Tenants have not established grounds to be granted a review hearing. Consequently, I dismiss the Tenants' application for a Review Hearing. The Arbitrator's decision and Order stands in effect as stated in the original decision of October 1, 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 16, 2013