



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute codes: FF MNDC OLC RP

### 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.

In submitting this Application for Review, the landlord's agent indicates that he is seeking a review of a decision and Order issued September 6, 2013. The landlord's agent indicates that he is making this Application on all three of the above grounds listed above.

### Issue(s)

Has the landlord established a basis to grant a review hearing under the Act?

### Facts and analysis

Section 79 of the Act provides that an application for review "must be made in the approved form..." and "must be accompanied by full particulars of the grounds for review and the evidence on which the applicant intends to rely", among other things.

The approved form states that an applicant "**must attach** all written evidence to support your application, including a copy of the decision(s) and/or order(s) being reviewed."

The landlord did not attach a copy of the decision or order the landlord wishes to have reviewed.

I can think of no other document more important to submit with an Application for Review than the decision or order the party seeks to have reviewed.

Section 81 provides that an application may be dismissed or refused if one or more reasons provided under section 81 apply.

In light of the above circumstances, I refuse to consider the application for the following reasons, as provided under section 81(1) of the Act.

(b) the application

(i) does not give full particulars of the issues submitted for review or of the evidence on which the applicant intends to rely,

(c) the applicant fails to pursue the application diligently or does not follow an order made in the course of the review.

In refusing to consider the Application for Review the decision and order issued September 6, 2013 stand and remain enforceable.

#### Decision

I have refused to consider the landlord's Application for Review Consideration for reasons provided in this decision.

The decision and order made on September 6, 2013 stand.

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 03, 2013

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Residential Tenancy Branch