



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

*Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.*

### Introduction

The tenant has applied for a review consideration of a decision dated October 1, 2013 granting the landlord an order of possession.

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.

The tenant has applied on ground 2 & 3 for the Review Consideration

### Issues

1. Does the tenant have new and relevant evidence that was not available at the time of the original hearing?
2. Does the tenant have evidence that the director's decision or order was obtained by fraud?

### Facts and Analysis

#### new and relevant evidence

The tenant writes in their application that they have new and relevant evidence, "see attached".

The tenant has submitted several letters in her support. The letters alleged that the landlord has breached of the Act. However, they are not relevant to the issue of the payment of rent. Under section 26 of the Act, the tenant must pay rent when due under the tenancy agreement, whether or not the landlord complies with the Act.

Therefore, I find the tenant has failed to prove new and relevant evidence.

### Fraud

The tenant had circled on her application that false information was submitted, and the person knew this information was false to gain the desired outcome. However, the tenant has not provided any written submission on what information was submitted for the initial hearing that was false or what information would have been true.

Therefore, I find the tenant has failed to prove the decision or order was based on fraud.

### Decision

Based on the above, the application and on a balance of probabilities, I find the tenant application for review consideration must be dismissed.

**Therefore, I find the Decision and orders made on October 1, 2013, stand and remain in full force and effect. The tenant's application for review is dismissed.**

This decision is final and binding on the parties, except as otherwise provided by the Act and 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 09, 2013

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Residential Tenancy Branch