



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REQUEST FOR CORRECTION

Dispute codes: FF MND MNSD

The landlord filed a Request for Correction on November 18, 2013 alleging there was an arithmetical error in the Decision and Order. In particular the landlord seeks to reduce the monetary order stating that the security deposit paid to the previous landlord on June 1, 2003 was \$650 and not the \$675 set out in the decision.

The error the landlord seeks to have corrected is not an arithmetical or typographical error. At the hearing the tenant testified he paid a security deposit of \$675 to the previous landlord. The landlord did not dispute this testimony or present evidence to contradict this testimony. As a result in the absence of evidence to the contrary I determined the amount of the security deposit was \$675.

The landlord has attached to the Request for Correction a form of rental agreement allegedly between the tenant and the previous landlord which indicates the security deposit was \$650. This evidence was not presented at the original hearing.

I determined the Request for Correction filed by the landlord must be denied as no arithmetic error was made in the original Decision and Order. The landlord is attempting to introduce new evidence which was not presented at the original hearing. The Request for Correction provisions of the Residential Tenancy Act do not permit a party to present new evidence as the other party has not had an opportunity to see the new evidence or dispute it.

I make no determination as to whether it is open to the landlord to use the review provision of the Residential Tenancy Act which provide as follows:

Application for review of director's decision or order

79 (1) A party to a dispute resolution proceeding may apply to the director for a review of the director's decision or order.

(2) A decision or an order of the director may be reviewed only on one or more of the following grounds:

(a) a party was unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control;

(b) a party has new and relevant evidence that was not available at the time of the original hearing; (my emphasis)

(c) a party has evidence that the director's decision or order was obtained by fraud.

Dated: November 27, 2013

Residential Tenancy Branch