



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Introduction

The Landlord applies for a review consideration of the Decision on the basis that there is new and relevant evidence that was not available at the time of the original hearing.

Issues

Is the Landlord entitled to a review?

Facts and Analysis

The Landlord resubmits copies of the Tenant's invoice and a job ledger that was provided for the Hearing. The Landlord submits that the ledger contains the billing allocations to the invoice but that the Landlord was not aware of which jobs on the ledger were allocated to the Tenant's invoice. The Landlord now highlights those allocations from the ledger that match the allocations set out in the Tenant's invoice.

Section 79(2) of the *Residential Tenancy Act* provides that a party to the dispute may apply for a review of the decision on the grounds of having new and relevant evidence that was not available at the time of the original hearing. Section 81 of the Act provides that an application for review may be dismissed where it does not disclose sufficient evidence of a ground for a review.

While the Landlord submits a lack of knowledge of allocations, in this case the very existence of the Tenant's invoice containing allocated amounts from the job ledger at the time of the hearing indicates that the knowledge of the allocations from the ledger was available to the Landlord both prior to and at the time of the hearing. As such I find that the Landlord has not provided evidence that was not available at the time of the hearing, and I dismiss the application for review.

Decision

The application for review is dismissed and the Decision made on November 13, 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: December 03, 2013

Residential Tenancy Branch