



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Review Consideration Decision

Dispute Codes: FF MNR OPB OPR

### Introduction

The Applicant/Landlord applies for review of the decision on the basis of new and relevant evidence and on the basis of fraud.

Section 79(2) of the *Residential Tenancy Act* provides that 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

Is the Tenant entitled to a review?

### Facts and Analysis

The Tenant makes submissions under new and relevant evidence that is not fully understandable but appears to offer a witness name in relation to the Landlord's actions of illegal entry. As the Decision deals with the non-payment of rent and considering that there are no submissions that this witness evidence was either not available at the time of the hearing or that the evidence is relevant to the payment of rent, I find that the Tenant has not substantiated an entitlement to a review hearing on the grounds of new and relevant evidence.

The Tenant submits that the decision was obtained by fraud as the Tenant was provided a month of free rent for September and that the Landlord then changed his mind. No evidence to support this submission was provided.

Relevant parts of Section 81 of the Act provide as follows:

(1) At any time after an application for review of a decision or order of the director is made, the director may dismiss or refuse to consider the application for one or more of the following reasons:

(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, or

(ii) does not disclose sufficient evidence of a ground for the review.

As the Tenant's application does not disclose sufficient evidence of a ground for the review, I dismiss the application for review consideration.

### Decision

The application for review is dismissed.

The decision made on November 26, 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 11, 2013

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Residential Tenancy Branch