



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute codes: ERP MNDC OLC PSF RP RR

### Introduction

On October 30, 2013 a dispute resolution hearing was conducted to resolve a dispute between these two parties. The Tenant had applied for a monetary order for money owed or compensation for damage or loss under the Act, Regulations or Tenancy Agreement, an order to have the Landlord comply with the Act, an order to have the Landlord conduct emergency repairs, an order to have the Landlord make repairs for health of safety reasons, an order to have repairs to the unit, site or property and an order to provide services or facilities as required by law. Both parties attended the hearing and provided affirmed testimony. The Tenant's application was dismissed. The Tenant has applied for review of this decision.

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.

Although the applicant has not selected which grounds for review have been selected, the Tenant has provided details in sections C2 and C3. New and Relevant Evidence and Fraud.

### Issues

Does the Tenant have new and relevant evidence that was not available at the time of the original hearing?

Does the Tenant have evidence that the decision or order was obtained by fraud?

### Facts and Analysis

Under C2, new and relevant evidence, the applicant wrote, “they never talk about the evidence?”

Under C3, Fraud, the applicant wrote, “it’s all about the rich people”, under what information was submitted for the hearing was false and what information would have been true. The applicant also states under, how the person who submitted the information knew it was false, “I was in the conference”. Under, how the false information was used to get the desired outcome, the applicant wrote, “Just ?????”(unlegible).

I find that the applicant has failed to provide sufficient details of new and relevant evidence that was not available at the original hearing. As well, I find that the applicant is seeking to re-argue evidence from the original hearing without providing any details. The applicant has failed to provide sufficient details of fraud or how this impacted the decision or order. The Tenant has provided no basis to review the decision or order.

### Decision

The Tenant’s Application for review has failed.  
The decision made on October 30, 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: November 08, 2013

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Residential Tenancy Branch