



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: MNR OPR

### Introduction

A non-participatory Direct Request Dispute Resolution Proceeding was held on November 18, 2013, and a Decision and Order of Possession were issued on the same date. The applicants for this Review Consideration state on the application that they receive the Order of Possession on November 21, 2013.

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.

### Issues

The issue is whether or not there is new and relevant evidence that was not available at the time of the original hearing.

### Facts and Analysis

The application contains information under Reasons Number 2

The applicant's state the following:

*We have had our mailbox tampered with and cheques have went missing. We are waiting for duplicate cheques to be sent to us so we can pay our rent Canada Post is aware of the fact (possible) are first month rent and deposit when NSF on October 18-we had no idea that our previous landlord put a rent cheque through causing us to have insufficient funds we want to pay our rent and just need the time to get our lost/stolen cheques replaced*

Although this is a possible explanation as to why the rent was not paid, it is my finding that this would not have changed the decision issued by the Arbitrator on November 18, 2013, as the landlord had the right to end the tenancy if the rent was not paid, and the applicants do not deny that the rent was not paid.

Further, the applicant's filed no dispute of the original notice to end tenancy, and therefore they are deemed to have accepted the end of the tenancy.

### Decision

This application for review hearing is dismissed

The decision and Order issued on November 18, 2013 stand.

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 05, 2013