



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION ON REQUEST FOR CLARIFICATION**

Dispute codes: FF MNDC MNR MNSD OPR

The applicant/landlord has requested a clarification to the Residential Tenancy Branch Decision and Order dated November 4, 2013.

Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to clarify a Decision or Order.

The applicant, instead of stating why he required a clarification, took the opportunity to write offensive and defamatory remarks about the integrity of the undersigned Arbitrator.

The following information was submitted to support the request:

- Additional evidence not submitted in advance of the hearing;
- A written version of events in support of his application and his position as to why the original decision was incorrect; and
- The original decision with the landlord's handwritten comments, indicating his disagreement with the Decision, and accusing the undersigned Arbitrator and the tenants of "lying."

Residential Tenancy Policy Guideline 25 states that requests for clarification "may be requested if a party is unclear about or does not understand the arbitrator's Decision, order or reasons. Clarification allows the arbitrator to explain, but not to change, the Decision."

I have reviewed your request for clarification and have determined that there was no request to clarify the Decision; rather the basis for the request is an attempt to change the Decision, not to clarify it.

I find the evidence does not support the request. As a result, the original Decision and Order stand.

## **DECISION ON REQUEST FOR CORRECTION**

Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to:

- correct typographic, grammatical, arithmetic or other similar errors in a Decision or Order, or

- deal with an obvious error or inadvertent omission in a Decision or Order.

The applicant requested, in his written submissions, but not through a formal request for correction, a correction of the Decision and Order of November 4, 2013. In the interests of fairness, I have also considered the applicant/landlord's request for a clarification to include a request for correction.

Residential Tenancy Policy Guideline 25 states that an "obvious error" is a "*mistake which is immediately and clearly apparent to the arbitrator upon re-reading the evidence or reviewing the arbitrator's own notes. An obvious error does not include a different interpretation or assessment of facts or law applicable to the hearing or a change of mind about the outcome of the hearing or the arbitrator's decision.*"

*An example of an "obvious error" would be if the evidence was that the couch was white and the arbitrator misread the evidence of colour and found it was red."*

The following information was submitted to support the request:

- Additional evidence not submitted in advance of the hearing;
- A written version of events in support of his application and his position as to why the original decision was incorrect; and
- The original decision with the landlord's handwritten comments, indicating his disagreement with the decision, and accusing the undersigned Arbitrator and the tenants of "lying."

I find that the evidence does not support the request as I find the submission of the applicant is not a request for correction; rather the application was made in an attempt to change the Decision of November 4, 2013, not to correct the Decision.

The original Decision and Order stand.

This decision made on **clarification and correction** 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