



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute codes: AAT FF MNSD MNDC

Introduction

The Landlord applies for review of the decision on the basis that the decision was obtained by fraud.

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

Is the Landlord entitled to a review?

Facts and Analysis

The Landlord submits that the Tenant's evidence of having given the Landlord their forwarding address is their word against the Landlord's. The Landlord submitted evidence of a mobility bill to show that she called the Tenant on August 13, 2013 at work to find the Tenant, and other receipts to show that the Landlord went to the Residential Tenancy Branch to file an application but was told that she could not file without a forwarding address. It appears that the Landlord argues that these steps were taken on the basis of not having the Tenant's forwarding address. The Decision is noted to include consideration of the above arguments and evidence of the Landlord.

Section 81 of the Act provides that an application for review may be dismissed where, inter alia, the application does not disclose sufficient evidence of a ground for the review. As the Landlord's submissions are in essence re-argument based on evidence already considered in the Decision, I find that the Landlord has failed to provide evidence of fraud and that the Landlord is not entitled to a review on this basis. I therefore dismiss the application for review consideration.

Decision

The decision made on November 29, 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: January 02, 2014

Residential Tenancy Branch