



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Introduction

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.

## **Decision: Leave for Review Denied**

**Original Decision and Order dated January 20, 2014 confirmed**

## **REVIEW DECISION**

The applicant has applied on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control. The applicant stated that she was not aware of the hearing and that the tenant did not notify her of it. The applicant stated that the tenants sent the mail to the wrong address. The tenants sent the notice of hearing package to the address which was provided to them by the landlord. The decision and order was sent to the same address. It is clear that the landlord received this decision and order as they have now filed for a review. The applicant has not provided sufficient evidence to dispute they were notified through registered mail, I therefore dismiss this portion of their application.

The applicants have also applied on the grounds that a party has evidence that the director's decision or order was obtained by fraud. When asked to describe or list the fraudulent evidence, the applicant stated that the tenant had moved out over two years ago and was not the tenant at the end of the tenancy. The landlord did not provide sufficient evidence to dispute that. In addition, the landlord provided documentation showing that the landlord and the subject tenant were involved in a hearing in September 2013 regarding this tenancy. The landlord did not dispute that the subject

tenant was indeed her tenant. Based on the insufficient evidence before me I dismiss this portion of the application.

For the above reasons I dismiss the application for leave for review. The original decision and order dated January 20, 2014 is confirmed.

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: February 11, 2014

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Residential Tenancy Branch