



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Introduction

This is an application by the landlord for a review of a decision and order of the director dated January 16, 2014.

The landlord applied for a review on the ground that they have new and relevant evidence that was not available at the time of the original hearing.

Issues

Has the landlord provided sufficient evidence to establish that they have new and relevant evidence that was not available at the time of the original hearing?

Facts and Analysis

Original Hearing and Decision

The original hearing convened pursuant to an application by the tenants for, among other things, a reduction in rent for cable service that the landlord eliminated. The tenants made their application on November 22, 2013, and served the landlord with notice of the hearing. The parties had approximately six weeks to submit evidence and prepare for the hearing. In the hearing on January 16, 2014 the landlord did not request an adjournment or otherwise refer to any evidence they had been unable to attain.

In the decision dated January 16, 2014, the arbitrator weighed the evidence and found that the landlord and the tenants had originally contracted for a tenancy that included the provision of cable services in rent, and the landlord terminated the service. The arbitrator found that the tenants were entitled to compensation and a rent reduction for the elimination of cable services, in the amount of \$86.90 per month.

Review Applicant's Submissions

In the application for review, the landlord submitted that they could not track down the previous cable person and confirm the cable package that was in effect at the time that the trailer park was purchased. The landlord submitted a copy of email correspondence with the cable company, in which a representative quoted the rate of \$75 for the

“previous bulk package.” The email, Dated January 22, 2014, did not provide confirmation that the tenants in question were receiving this particular package at the rate of \$75 per month.

Analysis on Review

The landlord was served with the tenants’ application in late November 2013 and were aware that the tenants were seeking compensation and a reduction in rent for the removal of cable services. The email from the cable company, dated January 22, 2014, suggests that the landlord did not seek to obtain this information until the same date they received the decision granting the tenants monetary compensation and a reduction in rent. The landlord did not raise this issue in the hearing, to request an adjournment or otherwise. In any case, the email from the cable company does not confirm the actual value of the cable that the applicant tenants were receiving and which the landlord removed.

I find that the additional evidence indicated in the landlord’s application for review was not new or unavailable at the time of the original hearing. The landlord has therefore failed to provide sufficient evidence to show that they had new and relevant evidence that was not available at the time of the hearing.

Decision

I dismiss the application for review and confirm the original decision and order of January 16, 2014.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 11, 2014

Residential Tenancy Branch