



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Introduction

The original dispute resolution hearing on the application of the landlord was held on April 9, 2014, and a decision was issued on April 11, 2013, granting the landlord's application for an order of possession for the rental unit and monetary compensation comprised of unpaid rent and the filing fee.

This is a request by the tenant for a review consideration of that original decision.

The tenant applied for a review consideration on the ground that he has new and relevant evidence that was not available at the time of the original hearing, pursuant to Section 79(2) under the *Residential Tenancy Act*

Issue

Has the applicant for review provided sufficient evidence to support the indicated ground for review?

Facts and Analysis

In his application for review consideration, the tenant attached a bank receipt dated February 11, 2014, a receipt issued by the landlord for February rent, in the amount of \$1140 and dated February 12, 2014, a money order payable to the landlord, dated February 11, 2014, a cheque for rent for January 2014, and a letter from the tenant to the landlord, dated March 2, 2014.

These items were submitted by the tenant in advance of the dispute resolution hearing and were referenced in the Decision of April 11, 2014, by the original Arbitrator

Another document was a one sentence, handwritten statement alleging that the witness saw the tenant deposit post dated rent cheques for March and April 2014 into the management's mail slot.

Pursuant to Residential Tenancy Branch Policy Guideline 24, new evidence includes evidence that has come into existence since the dispute resolution hearing or evidence which the applicant could not have discovered with due diligence before the hearing.

In the case before me, with the exception of a short, witness statement, the tenant submitted documents he submitted for the dispute resolution hearing and were before the original Arbitrator.

The witness statement provided by the tenant did not specify a date when the tenant may have placed the rent cheques for March and April, and I did not find the witness convincing.

As the tenant provided the same evidence as he did for the dispute resolution hearing, with the exception of the undated one sentence, hand written statement, which I did not find convincing, I find the applicant/tenant has not submitted evidence to support that he has new evidence that was not available at the time of the hearing.

It is also important to note that the original Arbitrator found that the tenant did not pay the full amount of rent owed or filed an application for dispute resolution within 5 days of the receipt of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued by the landlord.

I therefore find, pursuant to Section 81(1)(b)(iii) of the Act, the tenant's application discloses no basis on which, even if the submissions in the application were accepted, the decision or order of the director should be set aside or varied.

Decision

Due to the above, I dismiss the tenant's application for review consideration and confirm the original Decision and orders of April 11, 2014, granting the landlord an order of possession for the rental unit and a monetary award of \$2420.

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: May 06, 2014

Residential Tenancy Branch