



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Introduction

The Tenant has applied for a review of the Decision and Orders of an Arbitrator dated November 06, 2014. The Decision and Orders granted an *order of possession and a monetary order to the Landlord*, through the direct request process.

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.

The applicant relies on sections 79(2)(a) and (b) of the *Residential Tenancy Act*.

Unable to attend

I dismiss the Tenant's application on the ground of unable to attend, as the Decision and Orders were granted through the direct request process. There is no participatory hearing held in this process, rather it is a proceeding done by written application only, and the Arbitrator was satisfied that the Tenant was served with Notice of the direct request proceedings in accordance with the provisions of the *Act*.

New and Relevant Evidence

Likewise, as this is a proceeding done by written application of the Landlord, there is no provision for the Tenant to provide documentary evidence. The only ground for review of a Decision granted through the direct request process is fraud.

Decision

The tenant's application for a review hearing is dismissed.

The decision made on November 06, 2014 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: November 18, 2014

Residential Tenancy Branch