



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

### Introduction

The Tenant applies for a review of the above noted Decision on the basis of 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 Tenant entitled to a review hearing?

### Facts and Analysis

The Tenant makes a lengthy submission disputing character evidence and evidence of the cleanliness of the unit as given by the Landlord at the hearing. As there is no indication that that Tenant's character was given any consideration in the Decision and as there was no claim in relation to cleaning of the unit, I find these submissions to be irrelevant to substantiate fraud by the Landlord.

The Tenant makes submissions arguing against the evidence of the Landlord given at the hearing in relation to the operation of the stove and the leak into the Landlord's living space. This is re-argument and not a basis for review.

The Tenant submits that the amount claimed as the cost for the new stove is higher than the replacement cost of a same brand make as the old stove and that the Tenant should not be responsible for the cost of an upgraded appliance. While this may be true, the Tenant had opportunity to rebut the Landlord's claim on these costs at the time of the hearing and the Tenant could have provided this evidence then. It may very well have changed the outcome. However, given the supporting receipt by the Landlord for the cost of the replacement stove, these cost differentials are not evidence of fraud by the Landlord in claiming the costs.

Given the above reasons I find that the Tenant has not provided sufficient evidence for a review on the basis of fraud and I dismiss this application.

#### Decision

**The Decision made on September 10, 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 07, 2014

---

Residential Tenancy Branch