



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

*Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.*

On March 27, 2013, the Residential Tenancy Branch received an Application for Review from the Tenant.

**Dispute codes:** CNR OLC

### Introduction

On March 21, 2013 a dispute resolution hearing was conducted to resolve a dispute between these two parties. The Tenant had applied for an order cancelling a notice to end tenancy issued for unpaid rent and an order for the Landlord to comply. The Landlord had applied for an order of possession orally during the course of the hearing. Both parties attended the hearing and gave testimony and submitted documentary evidence. The Tenant's Application was dismissed. The Landlord's oral application for an order of possession was granted. The Tenant has applied for a review of this decision.

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

Does the Tenant have new and relevant evidence that was not available at the time of the original hearing?

### Facts and Analysis

The Applicant has provided copies of various documentary evidence that was previously provided for the original hearing. The only addition is an email from a party who the Tenant states was away and could not participate in the hearing.

The original arbitrator in the decision dated March 21, 2013 made notation of the letter from the other party

"The tenant submitted in evidence a letter dated February 22, 2013 from [other party] In his letter, [the other party] claims that on behalf of the tenant, he delivered an envelope containing \$1,700.00 in cash to the landlord's residence on "the night of February 17, 2013." In his letter, [the other party] also claims that as there "was no response when I knocked at the door," he "left the envelope at the front door." The landlord testified that he was at home on the evening of February 17, 2013, that there was no knock on the door, and that he found no cash at his front door."

I find that the Applicant has failed to provide new and relevant evidence that could change the original decision. It is clear that consideration was made based upon the letter provided by the Tenant and that the original arbitrator made a finding based upon it.

### Decision

The Tenant's Application for review is dismissed.  
The decision made on March 21, 2013 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: April 05, 2013

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Residential Tenancy Branch