



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: OPR

Introduction

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.

Facts and Analysis

Although the applicant applied for an extension of time in which to file for review, because she applied on the day she received the decision, I find that an extension of time is unnecessary as she cannot be said to have filed beyond the statutorily prescribed timeframe which is based on receipt of the decision or order.

REVIEW DECISION

The applicant has applied on the grounds that they were unable to attend the original hearing because of circumstances that could not be anticipated and were beyond the party's control. The tenant stated that she had made attempts to call in but was unable to access the system. In the tenants application she states she eventually accessed the conference which was in contradiction to her original position in her application. Based on the contradictory evidence I dismiss this portion of the tenants' application.

The applicant has also applied on the grounds that they have new and relevant evidence that was not available at the time of the hearing. The tenant stated on her application that she could provide witnesses and proof that the matter had been resolved. On the "Application for Review Consideration" it clearly states that an applicant must provide all supporting documentation and evidence. The tenant made reference to evidence however did not provide any for consideration. Based on the above I dismiss this portion of the tenant's application.

The applicant has also applied on the grounds that a party has evidence that the director's decision or order was obtained by fraud. When asked to describe or list the fraudulent evidence, the applicant stated "because he said it". The applicants submitted no evidence to support this portion of her application and I give this statement no weight.

For the above reasons I dismiss the application for leave for review. The original decision and order dated May 31, 2013 is confirmed.

Decision

The decision and order made on May 31, 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: June 17, 2013

Residential Tenancy Branch