



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Decision: Leave for Review Denied

Original Decision and Order dated October 9, 2013 confirmed

Dispute Codes: FF MNR 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.

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 applicant has stated that she had been admitted to the hospital on October 6, 2013 and was discharged on October 11, 2013.

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 evidence the applicant referred to in her application was the testimony and pictures she would have provided.

In reviewing the application as provided by the tenant I accept that the tenant was unable to attend as she had taken ill and was hospitalized, however the tenant did not provide sufficient evidence to show how that evidence might change the outcome of the hearing. She did not submit evidence that she referred to that would have changed the outcome. It is worth noting that section 81 of the Act clearly addresses the issues before me as follows:

81 (1) At any time after an application for review of a decision or order of the director is made, the director may dismiss or refuse to consider the application for one or more of the following reasons:

(a) the issue raised by the application can be dealt with by a correction, clarification or otherwise under section 78 *[correction or clarification of decisions or orders]*;

(b) the application

(i) does not give full particulars of the issues submitted for review or of the evidence on which the applicant intends to rely,

(ii) does not disclose sufficient evidence of a ground for the review,

(iii) **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**, or

(iv) is frivolous or an abuse of process;

Decision

For the above reasons I dismiss the application for leave for review. The original decision and order dated October 9, 2013 is confirmed.

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: October 21, 2013

Residential Tenancy Branch