



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Introduction

The Tenant applies for a review on the basis of new and relevant evidence.

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 submits that he was unable to tell his side of the story due to several medical and personal problems.

Section 81 of the Act provides that an application for a review may be dismissed where, inter alia, the application 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. It is noted in the Decision that the Tenant appeared at the hearing on the Landlord's application for an order of possession pursuant to a notice to end tenancy for cause. The Decision finds the Landlord entitled to the order of possession as the Tenant had not disputed the notice to end tenancy within 10 days receipt of the notice.

As the Tenant's side of the story is not relevant to the basis upon which the Decision granted an order of possession, I dismiss application for review.

Decision

The Decision made on November 19, 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: December 09, 2014

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Residential Tenancy Branch