



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: OPB OPC

This is an application for review filed on April 8, 2011 by the tenant for the review of a decision dated March 17, 2011 and received according to the applicant for review on March 24, 2011 when it arrived in the mail. The applicant applied for an extension of time to file the application for review.

The Act specifically provides a 5 day time-frame in which a party can apply for review with respect to an application for an order of possession based on a notice to end tenancy for cause. In this instance, the applicant applied 15 days after having received the decision. The applicant stated that the reason she was unable to apply for review within the required time frame was because she had been "very very sick."

Section 66(1) of the Act permits me to extend a time limit only in exceptional circumstances. The burden is on the applicant to prove that such exceptional circumstances existed. In this case, the applicant has provided no evidence such as a doctor's note to support her claim that she was ill and I am not prepared to accept her statement without some evidence to support it.

I find that the applicant has failed to prove that exceptional circumstances prevented her from filing for review within the statutorily prescribed timeframe and accordingly I dismiss the application. I have not considered the application on its merits.

For the above reasons I dismiss the application for leave for review. The original decision dated March 17, 2011 is confirmed.

Dated April 13, 2011

Dispute Resolution Officer