



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNSD

Introduction

This is an application filed by the tenant on January 6th, 2012 for review of a Dispute Resolution Officer's decision and order dated May 18th, 2010 on the above noted matter.

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

In this matter the tenant relies on the first and third grounds; unable to attend due to circumstances that could not be anticipated and were beyond his control; and evidence that was obtained by fraud.

Facts and Analysis

The tenant's application for review indicates that the tenant received the decision in September 2011 through the credit bureau following information concerning his credit history. Concerning his inability to attend the original hearing, the tenant states that he did not receive the landlord's application for dispute resolution. The tenant's application is dated January 6th, 2012, and the tenant did not request an extension of time to apply for review.

Section 80 of the Act provides in part that a party must make an application for review of a decision within 15 days after a copy of the decision or order is received by the party if the decision relates to a monetary order. With his application for review the tenant provided a copy of the decision and a Notice of Collection from the landlord dated October 16th, 2010.

Reasons for not applying for review on time are entirely separate than the grounds to apply for review. The tenant provides no explanations or reasons for not applying for review within the required statutory time frame. Therefore the application is not considered on its merits and it is hereby dismissed.

Decision

The decision made on May 18th, 2010 is hereby 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: January 18, 2012.

Residential Tenancy Branch