



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNDC MNSD

### Introduction

A dispute resolution hearing was held on March 5, 2012 and a decision and order were issued on March 6, 2012.

The applicant admits that she received a copy of the decision on April 13, 2012.

Section 80 of the Residential Tenancy Act sets out the time limits for applying for review of the decision as follows:

**80** A party must make an application for review of a decision or order of the director within whichever of the following periods applies:

(a) within 2 days after a copy of the decision or order is received by the party, if the decision or order relates to

(i) the unreasonable withholding of consent, contrary to section 34 (2) *[assignment and subletting]*, by a landlord to an assignment or subletting,

(ii) a notice to end a tenancy under section 46 *[landlord's notice: non-payment of rent]*, or

(iii) an order of possession under section 54 *[order of possession for the tenant]*, 55 *[order of possession for the landlord]*, 56 *[application for order ending tenancy early]* or 56.1 *[order of possession: tenancy frustrated]*;

(b) within 5 days after a copy of the decision or order is received by the party, if the decision or order relates to

(i) repairs or maintenance under section 32 *[obligations to repair and maintain]*,

- (ii) services or facilities under section 27 [*terminating or restricting services or facilities*], or
- (iii) a notice to end a tenancy agreement other than under section 46 [*landlord's notice: non-payment of rent*];

**(c) within 15 days after a copy of the decision or order is received by the party, for a matter not referred to in paragraph (a) or (b).**

Therefore since this is a request for review of a monetary order the application had to be filed within 15 days of receipt.

Therefore since the applicant has admitted to having received the decision on April 13, 2012, her application for review had to be filed by April 28, 2012.

This application however was not filed until May 4, 2012, 6 days outside the time limit.

### Issues

Whether or not an extension of time to file the application is justified.

### Facts and Analysis

The applicant admits she received the decision on April 13, 2012 and also admits that she phoned the Residential Tenancy Branch on April 25, 2012 and told them that she would file as soon as possible and yet even though she knew there were time limits she did not file within the 15 day time frame.

An extension of time it is only granted when there are extenuating circumstances that would have made it all but impossible for the party to file the application within the time limits set out under the Act.

In this case it is my finding that the applicant has not shown that there were extenuating circumstances that made it impossible for her to file within the time frame set out under the Act and therefore I am not willing to grant an extension.

### Decision

This application for review is dismissed.

The decision and order issued on March 6, 2012 stand.

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: May 22, 2012.

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Residential Tenancy Branch