



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute codes: CNR

### Introduction

A dispute resolution hearing was held on July 5, 2012, and a decision an Order of Possession were issued on the same date, and the applicant states that the decision and order were received on July 7, 2012.

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.

However section 80(a)(iii) of the residential tenancy act also states:

**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

(iii) an order of possession under section 55 [*order of possession for the landlord*],

In this case, although applicant admits receiving the decision on July 7, 2012, the applicant did not file for review until July 19, 2012, 12 days after receiving the decision.

Therefore since this application was not filed within the required time limit I am not willing to allow the application for review.

Decision

This application for review hearing is dismissed

The decision made on July 5, 2012 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: July 24, 2012.

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Residential Tenancy Branch