



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: CNL CNR MNDC

### Introduction

On August 23, 2012, a hearing was conducted to resolve a dispute between these two parties. Both parties had made application. The landlord applied for an order of possession and for a monetary order for unpaid rent. The tenant had applied to cancel the notice to end tenancy and for a monetary order for compensation for damage or loss under the *Act* and for an order authorizing him to change the locks. The parties settled their dispute by coming to a mutual agreement and the Arbitrator awarded the landlord an order of possession and a monetary order. The tenant has applied for a review of this decision.

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

Did the applicant for review file this application in a timely manner? Does the tenant have new and relevant evidence that was not available at the time of the hearing? Does the tenant have evidence that the Dispute Resolution Officer's decision was obtained by fraud?

### Facts and Analysis

This is an application for review filed on September 14, 2012 by the tenant for the review of a Decision dated August 24, 2012 and received by the tenant on August 30, 2012. The tenant applied for a review 14 days after having received the decision. The *Act* specifically provides a two day time-frame in which a party can apply for review with respect to an application of this nature.

Under section 66(1) of the Act, an extension of time to apply for review can only be granted where the applicant has established that there are exceptional circumstances. I find that the applicant has failed to apply for an extension of time and prove that exceptional circumstances prevented the tenant from filing for review in a timely manner. Accordingly, I dismiss this application for review. The application has not been considered on its merits.

### **Decision**

**The decision made on August 24, 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: September 25, 2012.

---

Residential Tenancy Branch