



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: CNC FF MT OLC

Introduction

On March 8, 2013 a dispute resolution hearing was conducted to resolve a dispute between these two parties. The Tenant had applied for an extension of time to make an application to cancel a notice to end tenancy. The Landlord had applied for an order of possession pursuant to a notice to end tenancy. Both parties attended the hearing by conference call and gave testimony. The Tenant's Application was dismissed and the Landlord was granted an order of possession. 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

Does the Tenant have new and relevant evidence that was not available at the time of the original hearing?

Facts and Analysis

The Applicant has submitted 5 handwritten pages arguing the circumstances of the service of the 10 day notice to end tenancy for unpaid rent and issues relating to the relationship between the Landlord and the Tenant.

In the original decision dated March 8, 2013, the Tenant's Application was dismissed pursuant to section 66(1) of the Residential Tenancy Act, where the extension of time

was not granted because the Tenant failed to provide sufficient evidence to satisfy the Arbitrator of exceptional circumstances to extend the time allowed to make an application.

I find that the circumstances brought forward by the Applicant do not warrant new and relevant evidence that was not available during the original hearing regarding the extension of time, nor do they provide for exceptional circumstances that would allow for the extension of time to make an application. The Tenant's Application is denied.

Decision

The Tenant's Application is dismissed.

The decision made on March 8, 2013 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: March 22, 2013

Residential Tenancy Branch