



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute codes: FF MNR MNSD OPC OPR

Preliminary issue

The tenant applied for a review consideration on April 26, 2013, the tenant writes on their application that they received the decision on April 22, 2013, and are requesting an extension of time to make this application.

Section 73 of the Act states: Time limit to apply for review

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).

The tenant writes in the application they were unable to apply for review within the required time frame "Because I (name) did not receive any information regarding that there was a problem between myself and landlord. I had no argument with landlord in regards to paying April rent."

[Reproduced as written]

The tenant acknowledged receiving the decision on April 22, 2013. The tenant was required to apply for review consideration within 2 days after a copy of the decision is received. In other words, the tenant was required to apply **no later than April 24, 2013**.

In this case the tenant applied for review consideration on April 26, 2013, which is outside the time limited permitted under the *Act*.

Section 66 of the *Act* allows the Director to extend the time limit for a review sought under Section 79 under exceptional circumstances. Exceptional circumstances include such issues as the party had been incapacitated due hospitalization or some catastrophic event that has prevented the party from submitting an Application for Review.

I find the tenant has provided no evidence of exceptional circumstances that occurred between April 22, 2013 and April 26, 2013 that would prevent them from filing an Application for Review Consideration within the required timeline under the *Act*. As a result, I dismiss their Application for more time to file their Application for Review Consideration.

Conclusion

The tenant's application for review is dismissed.

Therefore, I find the decision and order made April 18, 2013, stand and remain in full force and effect. The tenant's application for review is dismissed.

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 01, 2013