



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

Introduction

On May 31, 2013, the Landlord filed an Application for Review Consideration. The Application indicates the Order was received on February 14, 2013. The Landlord is applying for an extension of time to apply for the Review Consideration.

Section 80 of the Act sets out the time limit to apply for a Review Consideration, calculated from the date the Decision or Order was received. I accept that the Order was received February 14, 2013, as declared by the Applicant. Accordingly, the deadline for making this Application for Review Consideration was March 1, 2013.

Section 66(1) of the Act provides that the director may extend a time limit established by this Act only in **exceptional circumstances**.

In her Application, the Landlord states:

"I did not receive any of Notice of a Dispute Resolution Hearing and Oct 25, 2012 order until Feb 14, 2013. I received tenant, [Tenant's name], delivering her Feb 13, 2013 letter and order. I applied the Notice of a Dispute Resolution for reviewing file no [file number] order. But I did not know that I should do the Application for Review Consideration on February 28, 2013."

Residential Tenancy Policy Guideline 36 gives examples of what the term "exceptional circumstances" does and does not mean:

Exceptional Circumstances

The word "exceptional" means that an ordinary reason for a party not having complied with a particular time limit will not allow an arbitrator to extend that time limit. The word "exceptional" implies that the reason for failing to do something at the time required is very strong and compelling. Furthermore, as one Court noted, a "reason" without any force of persuasion is merely an excuse. Thus, the party putting forward said "reason" must have some persuasive evidence to support the truthfulness of what is said.

Some examples of what might **not be considered "exceptional"** circumstances include:

- the party who applied late for arbitration was not feeling well

- **the party did not know the applicable law or procedure**
- **the party was not paying attention to the correct procedure**
- the party changed his or her mind about filing an application for arbitration
- the party relied on incorrect information from a friend or relative

Following is an example of what could be considered "exceptional" circumstances, depending on the facts presented at the hearing:

- the party was in the hospital at all material times

(emphasis added)

In this case, I find the Applicant failed to provide sufficient evidence that there were exceptional circumstances that prevented her from filing her Application for Review Consideration within the prescribed time frame set out in Section 80 of the Act. Therefore, her Application for an extension of time to apply for Review is dismissed.

The Decision and Order issued October 25, 2012 stand and remain enforceable.

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: June 05, 2013

Residential Tenancy Branch