



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute codes: CNR

Introduction

This Application was filed by the tenant on May 28, 2013, seeking a Review Consideration of a Decision and Order dated May 14, 2013 and received by mail on May 24, 2013. The Decision and Order granted the landlord an order of possession.

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of a 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.

The tenant has applied on the second and third grounds.

Facts and Analysis

The Application for Review Consideration states that an applicant **must** submit their application **within 2 days** of the date they receive the decision or order when the decision or order relates to an order of possession. The tenant indicates in their application that they received the decision on May 24, 2013, which was a Friday. The last day the tenant was entitled to apply for a review consideration would have been on May 26, 2013, however, as May 26, 2013 was a Sunday, the tenant could have applied on the following business day, Monday, May 27, 2013. The tenant did not apply for a Review Consideration until May 28, 2013. The tenant does not indicate in their application that they are applying for an extension of time to make their application.

The tenant submitted in evidence a five-page typed document alleging the tenant's basis for applying for a Review Consideration on the second and third grounds.

Decision

Based on the above and on a balance of probabilities, I find the tenants' Application for a Review Consideration must be dismissed. As a result, I do not find it necessary to consider the merits of the second and third grounds given that the application of the tenant was submitted beyond the permitted timeframe under section 80 of the *Act*. Furthermore, the tenant did not apply for an extension of time to make their application.

For these reasons, **I dismiss** the Application of the tenant.

The decision and order made on May 14, 2013, **stand and remain in full force and effect**.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 03, 2013

Residential Tenancy Branch