



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: MNR OPR

### Introduction

The tenants have applied for a review consideration of a decision dated May 16, 2013, granting the landlord an order of possession and a monetary order.

### Preliminary issue

The tenant applied for a review consideration on June 4, 2013, the tenants writes in their application that they received the decision on May 23, 2013.

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 tenants submit they received the decision and order on May 23, 2013, the tenants had two day from when they received those documents to file for a review. I find the tenants had until May 25, 2013, to submit their application for review consideration, however, as May 25, 2013, was a Saturday, their time limit automatically extended to the next business day of May 27, 2013.

The tenants' application was filed on June 4, 2013, requesting for an extension of time to apply for review.

Under section 66(1) of the Residential Tenancy Act an extension of time can only be granted where the applicants have established that there are exceptional circumstances.

The tenants write, "we had no notice of hearing, ect.. all we received was the order to pay and we had two days to vacate."

[Reproduced as written.]

In this case, the tenants have provided no evidence to prove that an exceptional circumstance occurred between May 23, 2013 and June 4, 2013, such as a medical emergency, which would prevent them from filing their application within the required time limit.

Rather, I find the tenants did not take reasonable and appropriate steps to comply with the relevant time limit. Therefore, I dismiss the tenants' application to allow a tenant more time to make an application for review consideration.

#### Conclusion

The tenants' application for review is dismissed.

Therefore, I find the decision and order made on May 16, 2013, stand and remain in full force and effect.

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 07, 2013

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Residential Tenancy Branch