



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: FF MNSD

Introduction

Section 80 under the *Residential Tenancy Act* stipulates that 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) [emphasis added].**

Issue(s) to be Decided

Has the Landlord filed their application for review within the required timeframes stipulated in the *Residential Tenancy Act*?

Analysis

The Landlord has filed an application for a review consideration pertaining to a decision that granted the Tenants a monetary order for the return of double the security deposit. Therefore, the Landlord's application had to have been filed within 15 days after she received a copy of the decision and /or Order, pursuant to section 80(c) of the Act.

The Landlord's application for review consideration was filed with the *Residential Tenancy Branch* on May 30, 2013, and indicates she received the Decision on May 5, 2013, twenty five days after she received the decision.

Based on the foregoing, I find the Landlord did not file her application within the required timeframes stipulated in section 80 of the Act.

Conclusion

As this application for review consideration was not filed within the required timeframes set out in Section 80 of the Act, I HEREBY DISMISS the application, without leave to reapply.

The decision and orders made on April 2, 2013 stand and are of 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 05, 2013

Residential Tenancy Branch