



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW DECISION

Dispute codes: FF MND

This is an application by the tenant to review the decision of an Arbitrator dated January 11, 2012 relating to the above-noted rental unit. The decision under review granted the landlord a monetary order in the amount of \$6,750.30.

I refer to section 79(2) of the Act which provides that a decision or order of the director may be reviewed only on one or more of the following grounds:

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 applied for a review citing the first and second grounds for review. In his application for review the tenant did not say when he received the decision and order. He filed his application on March 28, 2013, more than one year after the original decision and order was made. The other named respondent in the original proceeding, who is the applicant's father, attended the original hearing on January 11, 2012.

The tenant requested an extension of time to make his application. He said that he was never served with documentation regarding the Tenancy Board hearings resulting in a payment order. The applicant did not state when he received the decision and order that he has now applied to review. The review application should have been filed within 15 days after he received the original decision and order. The tenant has not disclosed

when he received the original decision, but because his father participated in the original hearing I find that he must have had notice of the decision soon after January 11, 2012.

The time limits provided by section 80 of the *Residential Tenancy Act* are mandatory; after a delay of more than one year an extension of time to file the review application is not warranted. The tenant's review application is dismissed because it was filed out of time.

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 24, 2013

Residential Tenancy Branch