



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute codes: FF MNR MNSD OPR

### Introduction

On July 9, 2013 Arbitrator XXXXXX provided a decision on the landlord's Application for Dispute Resolution seeking to an order of possession and a monetary order. The hearing had been conducted on July 9, 2013.

That decision granted the landlord an order of possession for unpaid rent and a monetary order to the landlord in the amount of \$6,317.50. The tenant did not request an extension of time to apply for Review Consideration.

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of the 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 submits in her Application for Review Consideration that that she has new and relevant evidence that was not available at the time of the original hearing; and she has evidence that the director's decision was obtained by fraud.

### Issues

It must first be determined if the tenant has submitted her Application for Review Consideration within the legislated time frames required for reviews.

If the tenant has submitted her Application within the required time frames it must be decided whether she is entitled to have the decision of July 9, 2013 suspended with a new hearing granted because she has provided sufficient evidence to establish that she

has new and relevant evidence that was not available at the time of the original hearing; or she has evidence the tenant obtained the decision based on fraud.

### Facts and Analysis

Section 80 of the *Act* stipulates that a party must make an Application for Review Consideration of a decision or order within 2 days after a copy of the decision or order is received by the party, if the decision relates to an early end of tenancy, an order of possession for a landlord or tenant, unreasonable withholding of consent by a landlord regarding assignment or subletting or a landlord's notice to end tenancy for non-payment of rent.

From the decision of July 9, 2013 the issues before the Arbitrator were related to the landlord's Application seeking an order of possession and monetary order based on the landlord's notice to end tenancy for non-payment of rent. As such, I find the decision the tenant is requesting a review on allowed 2 days to file their Application for Review Consideration.

From the tenant's submission she received the July 9, 2013 decision on July 12, 2013 and filed their Application for Review Consideration with the Residential Tenancy Branch on July 16, 2013 (4 days after receipt of the decision and order). As July 12, 2013 was a Friday, I find the deadline for submission would have been Sunday, July 14, 2013. However, as the Residential Tenancy Branch was closed on that date the deadline would have been extended to Monday July 15, 2013.

The tenant did not submit any explanation as to why she submitted her Application late nor did she request an extension of time to submit her Application. As a result, I find the tenant has failed to file her Application for Review Consideration within the required timelines.

### Decision

For the reason noted above I dismiss the tenant's Application for Review Consideration.

The decision made on July 9, 2013 stands.

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: July 24, 2013