



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Uptown Consulting
and [tenant name suppressed to protect privacy]

REVIEW CONSIDERATION DECISION

Dispute Codes MND, MNSD, MNDC, FF

Basis for Review Consideration

Section 79(2) of the Residential Tenancy Act (Act) states that 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.

Applicant's Submission

The application for review consideration states the decision should be reviewed on the ground of the parties having been unable to attend the hearing due to circumstances beyond their control. The applicants stated that they attempted to access the conference call hearing on 5 attempts at the time appointed for the hearing and were unable to connect to the hearing. Residential Tenancy Branch records show that a technical error prevented parties from connecting to the hearing.

Although on their application for dispute resolution the applicants stated that they did not receive the decision issued on May 7, 2013, the cover letter submitted with their application for review consideration states that they received that decision on May 22, 2013. The applicants filed their application for review consideration on July 25, 2013 and did not apply for an extension of time in which to file their application, nor did they provide any explanation whatsoever as to why they waited more than 2 months to file their application.

Analysis

Section 80(c) of the Act provides a 15 day timeframe for parties to file for a review of a decision. In this case, the applicants through their counsel acknowledged having received the decision on May 22, 2013 and failed to file their application for dispute resolution within the requisite 15 day time frame.

As the applicants did not file for an extension of time in which to file their application for review consideration and provided no reason for the delay, I am unable to apply the provisions of section 65 of the Act which would have permitted me to consider exceptional circumstances preventing the applicants from complying with the statutorily imposed time frame. I therefore dismiss the application for review.

Conclusion

I dismiss the Application for Review Consideration. The original decision made on May 07, 2013 is confirmed.

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 31, 2013

Residential Tenancy Branch

