



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

### Introduction

The tenant has applied for a review consideration of a decision and order dated July 31, 2013, dismissing the tenant's application and granting the landlord an order of possession, while dismissing the landlord's monetary claim with leave to reapply.

### Preliminary issue

The first issue I must determine is whether the tenant filed her application for review consideration in accordance with section 80 of the *Act*. The tenant applied for a review consideration on July 31, 2013, however, the tenant's application was incomplete. The tenant failed to include the date the decision and order was issued, and the date the decision and order was received.

Section 80 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 tenant did include a copy of the original decision and order dated July 18, 2013, although she did not include that information in her application. As the tenant failed to include when she received the decision and order, however, I am unable to determine whether the tenant filed her application for review in accordance with section 80 of the *Act*. Therefore, **I dismiss** the tenant's application.

### Conclusion

The tenant's application for review is dismissed. The original decision and order dated July 18, 2013 stand and remain in effect.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: August 06, 2013

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Residential Tenancy Branch