



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Introduction

The original dispute resolution hearing on the application of the tenant seeking cancellation of a 2 Month Notice to End Tenancy for Landlord's Use of the Property (the "Notice") and for an order granting more time to make an application to cancel a notice to end tenancy was held on July 26, 2013, and a Decision was issued by another Arbitrator on July 29, 2013. In that Decision, the other Arbitrator made a finding that the tenant was not entitled to an extension of time to file her application to dispute the Notice as the tenant failed to prove that exceptional circumstances prevented her from applying to cancel the Notice and dismissed her application for dispute resolution. As such, there was no hearing on the merits of the tenant's application.

Additionally, as the other Arbitrator dismissed the tenant's application, due to the landlord's request, she issued an order of possession for the rental unit to the landlord.

Section 79(2) of the *Residential Tenancy Act* states that a party to the dispute may apply for a review of the decision. The application for review must contain reasons to support one or more of the following 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.

This is a request by the tenant for a review of that original Decision.

In her application for review consideration, the tenant did not mark that she was applying under any of the three allowed grounds; instead the tenant submitted 6 handwritten pages explaining why she required a hearing as originally applied for and what she would have said at that hearing.

Issues

Has the applicant provided sufficient evidence to support her application for review consideration?

Facts and Analysis

In the case before me, rather than allege that any of the three allowed grounds for an application for review consideration applied, the tenant used her application to argue her case she would have presented at the hearing.

As the tenant failed to complete her application as she failed to claim that any of the three grounds applied or any reasons to support any of the grounds as required under section 79(2) of the Act, I find the tenant's application for review consideration fails.

The application for review consideration is not a forum to argue the case the tenant would have made at the hearing.

Decision

I dismiss the tenant's application for review consideration and confirm the original decision and order of possession for the rental unit of July 29, 2013.

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: August 14, 2013

Residential Tenancy Branch