



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

### Introduction

The landlords have applied for a review consideration of a decision dated February 22 2013.

### Preliminary issue

The first issue I must determine is whether the landlords filed their application for review consideration in accordance with section 80 of the Act.

In this case, the landlords filed an application for dispute resolution on November 20, 2012, which was scheduled to be heard on February 22, 2013. On February 22, 2013, the landlords failed to appear at the hearing and their application was dismissed without leave to reapply. The tenants were granted a monetary for return of double the security deposit.

On February 22, 2013, the Residential Tenancy Branch mailed the decision to both parties. Both parties were deemed served on the fifth day after it was mailed. The landlords had 15 days after receiving a copy of that decision or order to file for a review consideration.

On July 30, 2013, the landlords filed their Application for Review Consideration, however, their application was incomplete. The landlords 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).

As a result, I am unable to determine whether the landlords filed their application for review in accordance with section 80 of the *Act*. Therefore, **I dismiss** the landlords' Application for Review Consideration.

### Conclusion

The landlords' application for review is dismissed.

Therefore, I find the decision and order made on February 22, 2013, stand and remain in full force and effect. The landlords' application for review is dismissed.

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 06, 2013

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Residential Tenancy Branch