



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

**Dispute codes:** CNC FF OLC

### **Introduction**

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 Landlord applies for review on the first ground.

### **Facts and Analysis**

In their Application for Review Consideration, the Tenants indicate that the Decision was received on August 16, 2013. Pursuant to Section 80 of the Act, the Application was required to be submitted within 2 days of receipt. It was not submitted until August 21, 2013.

The Tenants have requested an extension of time to apply for review consideration for the following reason:

We are under the impression that the deadline was 5 days as our dispute was related to an end tenancy.

Section 66 of the Act addresses **Director's orders: changing time limits**, and provides in part:

66(1) The director may extend a time limit established by this Act only in exceptional circumstances, other than as provided by section 59(3) [*starting proceedings*] or 81(4) [*decision on application for review*].

Residential Tenancy Policy Guideline # 36 speaks to “Extending a Time Period” and provides in part:

The word “exceptional” means that an ordinary reason for a party not having complied with a particular time limit will not allow a dispute resolution officer to extend that time limit. The word “exceptional” implies that the reason for failing to do something at the time required is very strong and compelling. Furthermore, as one Court noted, a “reason” without any force of persuasion is merely an excuse. Thus, the party putting forward said “reason” must have some persuasive evidence to support the truthfulness of what is said.

I find that the reason provided for the late filing of the Tenant’s Application for Review Consideration does not meet the test for exceptional circumstances required by Section 66 of the Act to extend a time limit.

Accordingly, the Tenants’ application for an extension of time to apply for review is hereby dismissed, and the Application for Review Consideration will not be considered on its merits. The original Decision dated August 9, 2013, is hereby confirmed.

### **Conclusion**

The Tenants’ application for an extension of time to apply for review consideration is dismissed.

The Decision and Order dated August 9, 2013, are hereby 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: August 22, 2013

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Residential Tenancy Branch