



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: AAT CNC CNR FF LAT MNDC

Introduction

A Dispute Resolution Hearing was held on July 15, 2013 and a decision was issued on the same date. The applicant has stated in his application that he received the decision on July 22, 2013.

Division 2, Section 79(2) under the *Residential Tenancy Act* says a party to the dispute may apply for a review of the decision; however section 80 of the *Residential Tenancy Act* states:

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).

In this case however the applicant did not file his request for review until 45 days after receiving the decision, and since the decision related to an Order of Possession the application was required to have been filed within two days.

This application was therefore filed 43 days outside the time limit and although the applicant has requested an extension of time to apply, extensions are only granted in exceptional circumstances such as natural disasters or medical emergencies, and it is my finding for this Request for an extension to apply for review does not meet that criteria.

Decision

I deny the applicant's request for an extension of time to apply for review, and therefore this application for a review hearing is dismissed

The decision made on July 15, 2013 stands.

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: September 10, 2013

Residential Tenancy Branch