



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Pursuant to Division 2, Section 79(2) of the Residential Tenancy Act, SBC 2002, c. 78, as amended.

Introduction

The tenant has applied for a review consideration of a decision dated October 2, 2013, granting the landlord an order of possession and a monetary order.

Preliminary issue

The tenant applied for a review consideration on October 8, 2013, the tenant writes on their application that they received the decision on October 5, 2013.

Section 73 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 the tenant submits they received the decision on October 5, 2013, the tenant had 2 days after receiving a copy of that decision to file for a review. I find the tenant had until October 7, 2013, to submit their application for review consideration.

The tenant applied for a review consideration on October 8, 2013, which is outside of the time limit allowable under the Act. The tenant did not make an application requesting an extension of time to make this application. Therefore, the tenant's application for review is dismissed.

Conclusion

The tenant's application for review is dismissed.

Therefore, I find the decision and order made on October 2, 2013, stand and remain in full force and effect. The tenant's 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: October 15, 2013

Residential Tenancy Branch