



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 tenants have applied for a Review Consideration of a Decision and Order dated September 24, 2012, and received on October 07, 2013. The September 24, 2012 Decision and Order resulted in the landlord being granted a monetary order for unpaid rent plus the filing fee.

Preliminary Matter

The tenants applied for a Review Consideration on October 23, 2013. The tenants write on their Application that they received the Decision on October 07, 2013.

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).**

[emphasis added]

As the tenants confirmed they received the Decision on October 07, 2013, the tenants had 15 days after receiving a copy of that Decision to file for a Review Consideration. I find the tenants had until Tuesday, October 22, 2013, to submit their Application for Review Consideration.

The tenants applied for a Review Consideration on Wednesday, October 23, 2013, which is outside of the time limit allowable under the *Act*. The tenants did not make an application requesting an extension of time to make their Application. Therefore, the tenants' Application for Review Consideration is **dismissed**.

Conclusion

The tenants' Application for Review Consideration is dismissed as the tenants failed to submit their Application within the required timelines as set out in section 80 of the *Act*.

As the tenants' Application for Review Consideration has been dismissed, the Decision and Monetary Order dated September 24, 2012, **stand and remain in full force and effect**.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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 29, 2013

Residential Tenancy Branch