



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

REVIEW CONSIDERATION DECISION

Dispute Codes: ET FF

This is an application by the tenant to review the decision of an Arbitrator dated November 8, 2013 relating to the above-noted rental unit. The decision under review granted the landlord an order for possession pursuant to the landlord's application for an early end of tenancy.

I refer to section 79(2) of the Act which provides that a decision or order of the director may be reviewed only on one or more of the following grounds:

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 tenant applied for a review citing all three grounds for review. In her application for review the tenant said that she received the decision and order by mail on November 18, 2013. The tenant submitted her application for review on November 19, 2013. The tenant did not request an extension of time to apply for review. In the decision and order under review, the landlord was granted an order for possession effective two days after service on the tenant. Although in her Application for Review Consideration, the tenant stated that she received the decision and order by mail on November 18, 2013, the documents that the tenant submitted in support of her Application for Review Consideration included a copy of the Order for Possession and the landlord's form of proof of service wherein the landlord declared that he personally the tenant with a copy of the Order for Possession at the rental unit on November 8, 2013 at 5:00 P.M. in the presence of a witness.

Section 80 of the *Residential Tenancy Act* provides that a party must make an application for review of a decision or order within two days after the party receives the

decision or order if it relates a Notice to End Tenancy for unpaid rent or to an order of possession under section 55 of the *Act*.

The tenant did not request an extension of time to make her application and she provided no statement as to why she did not apply for review within the required time frame after she was personally served with the order for possession.

Although the tenant may have received the decision and order by mail on November 18, 2013 as stated in her review application, the tenant's own documents disclose that she was also personally served with the order for possession on November 8, 2013. The time limits provided by section 80 of the *Residential Tenancy Act* run from the date that the tenant receives the decision or order. The time limits are mandatory; the tenant's review application is dismissed because it was filed out of time.

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: November 20, 2013

Residential Tenancy Branch