



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## REVIEW CONSIDERATION DECISION

Dispute Codes: MNR OPR

### Introduction

The tenant has applied for a review consideration of a decision an order dated November 21, 2013.

### Preliminary issue

The tenant applied for a review consideration on November 26, 2013, the tenant writes on their application that they received the decision on November 22, 2013.

### 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).

The tenant submits that they received the decision and order on November 22, 2013, which relates to an order of possession for non-payment of rent.

Under section 80 of the Act, the tenant had 2 days after receiving a copy of the decision or order to file for a review. When calculating the time the first day that the documents were received must be excluded and the last day included.

I find the tenant had until November 24, 2013, to file an application for review consideration, however, as that date fell on a Sunday and the Residential Tenancy Branch office was not open, the time was automatically extended to the next day that the office was open, which was November 25, 2013.

In this case, the tenant applied for a review consideration on November 26, 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

Based on the above, the application and on a balance of probabilities, I find the tenant application for review consideration must be dismissed.

**Therefore, I find the decision and order made on November 21, 2013, stand and remain in full force and effect. The tenant's application for review is dismissed.**

This decision is final and binding on the parties, except as otherwise provided by 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: December 02, 2013