



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **REVIEW CONSIDERATION DECISION**

Dispute codes: CNC ERP FF MNDC OLC

### Basis for Review Consideration

In accordance with section 79(2) of the Residential Tenancy Act a party to a dispute resolution application is entitled to apply for a review consideration of a decision and orders. The application must contain reasons to support one or more of the grounds for review:

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.

### Applicant's Submission

The tenant has applied for review consideration on what appears to be the 2<sup>nd</sup> ground:

2. A party has new and relevant evidence that was not available at the time of the original hearing.

The tenant's application for review consideration indicated that the tenant was applying for review of the decision only, issued on November 14, 2013. The application for review consideration requires the applicant to attach supporting documents and information; including a copy of the decision the party wishes to have reviewed.

The tenant did not supply a copy of the decision which he has applied to review.

The tenant's application for review consideration indicated he received the decision on November 21, 2013. The tenant's application for dispute resolution had included a request to cancel a Notice ending tenancy and monetary compensation. The application for review consideration requires the applicant to supply copies of the new and relevant evidence and to state why that evidence was not available at the time of the hearing and how the evidence is relevant.

The tenant supplied a typed letter he issued on December 6, 2013 and a copy of an October 24, 2013 letter issued by a marketing company.

### Analysis

The tenant received a copy of the decision on November 21, 2013 and applied requesting review on December 6, 2013. The tenant did not request an extension of time

to make the application. Review consideration applications in relation to an Order of possession must be made within 2 days of receipt of the decision. The tenant applied requesting review consideration fifteen days after receipt of the decision.

Therefore, as the decision relates to an end of tenancy I find that the application for review consideration was not made within the required 2 day time-frame and that the application is dismissed.

Further, even if the application had been made within the required time-frame or was in relation to a monetary claim only; as the tenant failed to supply a copy of the decision; I find that the application was incomplete. The application for review consideration requires applicants to attach all written evidence to support the application, including a copy of the decision. As the tenant failed to supply a copy of the decision I find that the application for review consideration fails and also results in dismissal.

Therefore, I find that the decision issued on November 14, 2013 is confirmed and, as a result, any Orders issued are of full force and effect.

### Conclusion

The application for review consideration is dismissed.

The November 14, 2013 decision is confirmed and, as a result, any Orders issued are of full force and effect.

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: December 11, 2013

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Residential Tenancy Branch