



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION ON REQUEST FOR CLARIFICATION

Dispute codes: CNC FF OLC

The applicant has requested a clarification to the Residential Tenancy Branch decision dated October 10, 2013.

Section 78 of Residential Tenancy Act enables the Residential Tenancy Branch to clarify a decision or order.

The applicant states in her application that she “was under the influence of anesthetics and morphine from major surgery that just occurred just prior to dispute resolution” and alleges that her “judgement, clarity, understanding and decision making were severely impaired”.

My October 10, 2013 Decision was based on the mutual agreement made between the parties on October 10, 2013. During that hearing the parties confirmed they understood their mutual agreement was final and binding. Therefore, I find that no further clarification is required. Furthermore, section 78 of the *Act* sets out the time limit to apply for a clarification which is within 15 days after the decision or order is received. The applicant writes in her application that she received the decision on October 12, 2013 by mail. The applicant did not sign her application until November 20, 2013, which was not received by the Residential Tenancy Branch until November 26, 2013. As a result, I find the applicant did not submit her Request for Clarification application within the timeline set out under section 78 of the *Act*. Therefore, my Decision dated October 10, 2013 remains in full force and effect and does not require clarification.

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: November 28, 2013