



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This matter came before me as a result of an application by the tenant for an order for a new hearing on a matter for which a final decision was issued on November 14, 2013. The tenant applied on the basis that the decision was obtained by fraud.

The landlord stated on his application that he received a copy of the decision on November 28, 2013 and requested an extension of time to file his application because he “had already moved out could not get any of the mail [the landlord] kept sending.” He filed his Application for Review Consideration on December 11, 2013.

Analysis

Section 80(a)(iii) of the Act provides that where a decision relates to an order of possession for the landlord, any application for review consideration must be filed within 2 days of the date the applicant receives the decision. The decision at issue dealt with a claim by the landlord for an order of possession and a monetary order. The tenant acknowledged having received the decision on November 28 and I find that he has not provided a sufficient explanation that exceptional circumstances were at play to prevent him from filing his application for review consideration within 2 days of having received the decision. Accordingly, decline to grant an extension of time to file the application and I find that the application must be dismissed as it was filed outside the statutorily prescribed timeframe.

Conclusion

The application for review is dismissed. The decision issued November 14, 2013 is confirmed.

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 12, 2013

Residential Tenancy Branch