



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Review Consideration Decision

Dispute Codes: FF MNDC MNR OPR

### Introduction

This is an application by the tenant for a review of a decision and orders of the director dated January 8, 2014.

### Preliminary Issue – Extension of Time

In his application for review, the tenant indicated that he received the decision in this matter on November 7, 2013, when it was given to his “minor age daughter,” and he received the order on January 15, 2014 in the mail and from the landlord. The tenant made his application for review on January 20, 2014. As the tenant was required to apply for a review within two days after receiving the decision or order, he has made a request for an extension of time to apply for review.

The tenant indicated that he did not apply for a review in time because he was hospitalized and unable to respond. In support of his review application the tenant submitted a letter from his doctor, who wrote that the tenant was in the hospital on November 6, and after that date was in bed with a severe lung infection.

The hearing in this matter convened on January 8, 2014, pursuant to the landlord’s application for an order of possession pursuant to a notice to end tenancy for unpaid rent dated November 6, 2013 and for a monetary order for unpaid rent. In the decision, also dated January 8, 2014, the arbitrator accepted the tenant’s evidence that the notice to end tenancy dated November 6, 2013 was improperly served to the tenant’s minor daughter, and the tenant did not actually receive the notice until November 10, 2013. Therefore, the tenant had until November 15, 2013 to either pay the rent owing or dispute the notice. The arbitrator found that as the tenant did not pay the rent or dispute the notice, the tenant was therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice, which in this case automatically corrected to November 20, 2013. The arbitrator granted the landlord an order of possession and a monetary order for unpaid rent.

The tenant may well have been in the hospital on November 6, 2013; however, the tenant indicated that he received the order(s) on January 15, 2014 and he failed to provide any evidence why he did not apply for a review of the decision and orders within two days after January 15, 2014. Under section 66(1) of the Act, an extension of time can only be granted where the applicant has established that there are exceptional circumstances. I find that the tenant has failed to prove that exceptional circumstances prevented him from filing for review within the prescribed time limit and I therefore dismiss the application for review.

### Decision

I dismiss the application for review and confirm the original decision and orders of January 8, 2014.

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: January 27, 2014

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Residential Tenancy Branch