



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Introduction

The tenant has applied for a review consideration of a decision dated November 12, 2014, granting the landlord an order of possession and a monetary order for unpaid rent.

Preliminary issue

Section 73 of the Act states: 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).

In this case, the tenant acknowledged receiving the orders on November 14, 2014 and a copy of the decision on November 16, 2014. However, the tenant had 2 days after receiving copies the orders to file for a review as those were received first in time. I find the tenant had until November 16, 2014, to submit their application for review consideration. However as November 16, 2014, was a Sunday, and a day the Residential Tenancy Branch is not normally open for business, that date was automatically extended to the next business day. Therefore, I find the tenant had until

November 17, 2014 to file for review. The tenant filed for review on November 18, 2014, which is outside the time limit permitted under the Act.

In the case before me, the tenant made a request for an extension of time to apply for review.

Section 66 of the *Act* allows the Director to extend the time limit for a review sought under Section 79 under exceptional circumstances. Exceptional circumstances include such issues as the party had been incapacitated due hospitalization or some catastrophic event that has prevented the party from submitting an Application for Review.

The tenant writes in the application “because the landlord gave me the papers late”.

In this case, the tenant received the orders on November 14, 2014. I find based on the above statement made by the tenant that the tenant has failed to demonstrate that exceptional circumstances occurred, such as a medical emergency that prevented the tenant from submitting their Application for Review Consideration within the statutory time limit. Therefore, I dismiss the tenant’s application for more time to file their Application for Review Consideration.

Conclusion

The tenant’s application for review is dismissed.

Therefore, I find the decision and orders made on November 12, 2014, stand and remain in full force and effect. The tenant’s application for review is dismissed.

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: November 24, 2014

Residential Tenancy Branch