



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOLLYBURN PROPERTIES LTD
THE BREAKERS HOLDINGS LTD

DECISION ON REQUEST FOR CORRECTION

The applicant tenant has requested a correction to a decision of the Residential Tenancy Branch ("RTB") dated February 6, 2015 ("first interim decision").

Section 78(1)(a) and (c) of the Residential Tenancy Act ("Act") enables the Residential Tenancy Branch to:

- deal with an obvious error in a decision.

The applicant tenant requests correction of an "obvious error" in my first interim decision. The request, which was filed on March 16, 2015, states:

"The arbitrator...made the decision to adjourn the hearing with the assumption, or had disregarded the stating that all of my concerns were a year ago when they were not."

The applicant tenant opposed the adjournment of the first hearing on February 5, 2015 and then requested an adjournment of the second hearing that was rescheduled to March 17, 2015. Her adjournment request was granted, as per my second interim decision, dated March 17, 2015.

Section 78 of the Act discusses the time limit to apply for a correction of a decision:

78 (1) Subject to subsection (2), the director may, with or without a hearing,
(a) correct typographic, grammatical, arithmetic or other similar errors in
his or her decision or order,
(b) clarify the decision or order, and
(c) deal with an obvious error or inadvertent omission in the decision
or order.

(1.1) The director may take the steps described in subsection (1)

(a) on the director's own initiative, or
(b) at the request of a party, which request, for subsection (1) (b) and
(c), must be made within 15 days after the decision or order is
received.

(2) A request referred to in subsection (1.1) (b) may be made without notice to another party, but the director may order that another party be given notice.

(3) The director must not act under this section unless the director considers it just and reasonable to do so in all the circumstances.

In her request for correction, the tenant stated that she received a copy of the decision on February 11, 2015. The tenant's request was dated and signed by her on March 8, 2015 and filed on March 16, 2015 at the Residential Tenancy Branch. Therefore, the tenant is outside of the 15 day time limit to apply for a correction of an obvious error, as per section 78(1.1)(c) of the *Act*.

In any event, no final decision has been made in this matter. The tenant has the opportunity to make submissions and submit further evidence regarding the above timeline that she disputes. As per my second interim decision of March 17, 2015, I advised both parties that they are permitted to submit additional evidence according to specific deadlines, prior to the next hearing on May 25, 2015 at 9:30 a.m.

The first interim decision, dated February 6, 2015, stands. No corrections will be made to that decision.

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: April 16, 2015

Residential Tenancy Branch

