



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION ON REQUEST FOR CORRECTION

One of the two landlords, GJ (“landlord”) has requested a correction to a review consideration decision of the Residential Tenancy Branch (“RTB”), dated April 11, 2016 (“review decision”).

The landlord requested a correction of an “obvious error” in my review decision. Section 78(1)(c) of the *Residential Tenancy Act* (“Act”) enables the RTB to deal with an obvious error in a decision.

The landlord filed a request for a correction on April 19, 2016. The landlord did not state when he received the review decision. However, the review decision is dated for April 11, 2016. Therefore, I find that the landlord is within the 15 day time period to make such a request, pursuant to section 78(1.1)(b) of the *Act*.

The landlord submitted a copy of the original decision from the original hearing on March 10, 2016, a copy of my review decision, a copy of section 80 of the *Act*, copies of two signed witness statements, a copy of a dishonoured rent cheque, and a copy of a one-page letter summarizing his position regarding my review decision.

In summary, the landlord stated that his review application was made in time, within 15 days of receiving the original decision. The landlord also argued his claims for unpaid rent and damages against the tenants. The landlord requested that the monetary order given to the tenants at the original hearing should be reduced by his own monetary claim.

As noted in my review decision, I found that the landlord’s review application was not made within the required five days under section 80(b)(i) of the *Act*. I found that the original decision and monetary order both related to section 32 of the *Act* and this is clearly noted in the original decision. The landlord said that he spoke with information officers at the RTB who told him that he had 15 days to make a review application. Information officers at the RTB only provide information, not legal advice, to parties making applications. It is ultimately up to the parties to make informed decisions based on information provided by information officers. Information officers do not complete

applications on behalf of parties. The landlord ultimately completed the review application himself. The landlord could have consulted a lawyer and obtained legal advice prior to filing his review application.

Regarding the landlord's attempt to argue his own case for unpaid rent and damages, he has not filed an application at the RTB. Therefore, his claims were not before the original Arbitrator at the original hearing. They were also not before me at the review hearing. The correction and review processes are not the appropriate methods for the landlord to make any monetary claims against the tenants.

Although the landlord disagrees with my review decision and seeks a change in the outcome, this is not a legitimate reason to apply for a correction and is not an "obvious error." I decline to change my review decision to the landlord's desired outcome.

As I find no basis for the landlord's assertions that an obvious error has been made in the review decision, I find that the evidence does not support the landlord's request for a correction.

I make no corrections to my review decision. The review decision, dated April 11, 2016, 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: April 29, 2016

Residential Tenancy Branch