

How to use this form:

- Submit this form in person at a Service BC Centre that accepts Residential Tenancy Branch (RTB) forms or the Burnaby RTB office.
- This form requires a \$50 filing fee or an applied fee waiver.
- **This form is for review consideration of an order or decision from a dispute resolution hearing.** This form is NOT for review of an administrative penalty. If you need to apply for review consideration of an administrative penalty, see form RTB-56.

Important information about your application:

- This is not a chance to reargue your case or review evidence that should have been presented at the original hearing
- Disagreeing with a decision is not grounds for a review.
- You must have one of the following grounds for review consideration (if one of these grounds does not apply, your application will be dismissed):
 - You could not attend the hearing (or part of the hearing) due to circumstances that could not be anticipated and were not in your control
 - You have new and relevant evidence that was not available at the time of your hearing and that evidence materially affects the decision
 - You have evidence that the decision was obtained by fraud
 - You submitted material evidence after the applicable time period expired (late) but before the original hearing because of circumstances that could not be anticipated and were beyond your control, and that evidence was not before the decision maker at your hearing;
 - A person who performs administrative tasks for the RTB made a procedural error that materially affected the result of your hearing;
 - A technical irregularity or error occurred that materially affected the result of your hearing;
 - In the original hearing, an issue was not determined that was required to be determined
 - In the original hearing, an issue was determined that the RTB did not have jurisdiction to determine
- After you receive a decision or order, you must submit this application within:
 - **Two days** if related to an Order of Possession, a notice to end tenancy for unpaid rent or an unreasonable denial of sublet or assignment by a landlord
 - **Five days** if related to repairs/maintenance, restricted services/facilities, or a notice to end tenancy that is not for unpaid rent
 - **Fifteen days** if related to any other part of the Residential Tenancy Act or Manufactured Home Park Tenancy Act not listed above
- You may request an extension of the deadline due to exceptional circumstances, with supporting evidence
- A copy of the decision or order must be included with this application (unless the decision was provided orally)
- Your application will not be processed until the filing fee is received or a fee waiver has been approved
- All required information must be provided and legible. Required information includes:
 - Key Dispute Information
 - At least one ground for review selected
 - Declaration

• You must attach all evidence to support your application. Do not resubmit evidence from the original hearing.

Form Sections:

Section 1: Key Dispute Information

Section 2: Grounds for Review

Section 3: Declaration

Your personal information is collected under section 26 (a) and (c) of the Freedom of Information and Protection of Privacy Act for the purpose of administering the Residential Tenancy Act. If you have any questions regarding the collection of your personal information, please call 604-660- 1020 in Greater Vancouver; 250-387-1602 in Victoria; or 1-800-665-8779 elsewhere in B.C.

Section 1: Key Dispute Information

Who is filing this review application?

I am a landlord or authorized representative	I am a tenant or authorized representative
Residential Tenancy Branch File Number: (e.g., 123456789)	
Your Dispute Access Code: (e.g., HT3Kf4u)	

Requester Information

First and middle name		Last name		
Email Address (<i>highly recommended</i>)		Contact Phone number (<i>required</i>)		
Site/unit#	Street # and name	City	Province	Postal code
Receive RTB documents by:	Email	Pick up		

Provide the date <u>on</u> the decision or order you are requesting to be reviewed (or if an oral decision the date of the hearing):		Date (DD/MM/YYYY)
<input type="checkbox"/> Decision	<input type="checkbox"/> Order of Possession	<input type="checkbox"/> Monetary Order
Provide the date you <u>received</u> the decision or order you are requesting to be reviewed:		Date (DD/MM/YYYY)
<p>Is this a decision or order(s) that relates to an Order of Possession, a notice to end tenancy for unpaid rent or an unreasonable denial of sublet or assignment by a landlord? <i>If yes, submit this application within <u>two days</u> of receiving the decision or order.</i></p> <p>Yes No</p> <p>Is this a decision or order(s) that relates to repairs/maintenance, restricted services/facilities, or a notice to end tenancy that is not for unpaid rent? <i>If yes, submit this application within <u>five days</u> of receiving the decision or order.</i></p> <p>Yes No</p> <p><i>If you selected No to both above questions, you must submit this application within <u>fifteen days</u> of receiving the decision or order.</i></p>		

Request for Extension of Time to Apply for Review

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I am requesting an extension of time to make this application

Describe why you were unable to submit the Application for Review Consideration before the deadline. *If you do not submit evidence to support your late submission, your application may be dismissed. Your evidence must show how an exceptional circumstance caused your late submission.*

Section 2: Grounds for Review: (Select all that apply and provide a brief description of each one)

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I was not able to attend the hearing (or part of the hearing) due to circumstances that could not be anticipated and were beyond my control (e.g., an earthquake or medical emergency). *You must show that the reasons you could not attend were: beyond your control; and not anticipated.*

Please describe:

- What happened that was beyond your control and could not have been anticipated which prevented you from attending the hearing or part of the hearing; and
- What testimony or evidence you would have provided if you were at the hearing

Section 2: Grounds for Review (Select all that apply and provide a brief description of each one)

- ☐ I have new and relevant evidence that materially affects the decision that was not available at the time of the original hearing. **(You must include new and relevant evidence that was not available at the time of the original hearing)**

A review may be granted on this basis if the applicant can prove the following:

- you have evidence that was not available at the time of the original hearing;
- the evidence is new and relevant to the matter described in the initial application; and
- the evidence is credible and it could reasonably be expected to have affected the result

List each item of new and relevant evidence, why it was not available at the hearing and how it is relevant.

- ☐ I have evidence that the decision was obtained by fraud

Please describe:

1. Which information submitted for the initial hearing was false and what information would have been true?
2. How did the person who submitted the information know it was false?
3. How was the false information used to get the desired outcome?

Section 2: Grounds for Review (Select all that apply and provide a brief description of each one)

☐ I submitted material evidence after the applicable time period expired (late) but before the original hearing due to circumstances that could not be anticipated and were beyond my control. That evidence was therefore not before the decision maker at the original hearing.

Please describe:

- What circumstances (that were beyond your control and could not have been anticipated) led to you submitting the evidence after the applicable time period (late) but before the original hearing; and

List each item of material evidence you submitted after the applicable time period (late), and how it is relevant.

☐ The Residential Tenancy Branch made a procedural error that materially affected the result of my original hearing.

Please describe:

- The procedural error that was made on the dispute resolution application file
- How the procedural error materially affected the result of your original hearing

Note: This does not include arbitrators who make decisions about process and procedure either prior to or during the hearing. Review is not available where the decision maker made a decision at the original hearing to exclude materials.

Section 2: Grounds for Review (Select all that apply and provide a brief description of each one)

☐ A technical irregularity or error occurred that materially affected the result of my original hearing.
Please describe:

- The technical irregularity or error that occurred on the dispute resolution application
- How the technical irregularity or error materially affected the result of your original hearing

Note: An application for review may not be granted if the error occurs because you failed to follow the instructions provided with respect to using the technology or because of problems with your technical devices (e.g., phones or computers) if the problem could be anticipated or is not uncommon and can be avoided.

☐ In my original hearing, an issue was not determined that was required to be determined.
Please describe:

- The issue that was not determined that was central to the dispute (e.g., an application seeking repairs of both a shower leak and a broken heater, and only the broken heater was addressed)
- How the decision that the Residential Tenancy Branch had no authority or ability to determine an issue was wrong (e.g., they made an error when calculating the time limit for filing the application and dismissed it without considering the merits of the issue).

Section 2: Grounds for Review (Select all that apply and provide a brief description of each one)

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In my original hearing, an issue was determined that the Residential Tenancy Branch did not have jurisdiction to determine.

Please describe:

- The decision or order that was outside of the Residential Tenancy Branch's authority granted to them by the Legislation (e.g. applying the *Human Rights Code* or deciding constitutional questions)
- How the arbitrator's decision to determine the issue was wrong.

Section 3: Declaration: By signing below, I certify that:

- I have the authority to make this application for review consideration.
- All information that is being provided in this application is true, correct, and complete to the best of my knowledge.
- I understand it is a legal offense to provide false or misleading information and evidence to the RTB.
- I authorize the RTB to enter this information on my behalf.

Date (DD/MM/YYYY)

Full name of requester (print) or authorized agent

Signature of requester or authorized agent

RTB General Inquiries

For applicants who have submitted their dispute application online, you can view and track the outcome and decision of your request by logging in online with your BCeID (<https://tenancydispute.gov.bc.ca/Intake/Login>)

Email: HSRTO@gov.bc.ca Do not send evidence to the RTB by email.

Website: www.gov.bc.ca/landlordtenant

Phone: Greater Vancouver: 604-660-1020

Victoria: 250-387-1602

Toll Free: 1-800-665-8779

In Person: **Lower Mainland**

400 - 5021 Kingsway

Burnaby, BC, V5H 4A5

Outside of Lower Mainland

Visit one of our many Service BC Offices, listed at www.servicebc.gov.bc.ca