



Residential Tenancy Branch

Guide to the Dispute Resolution Process

Guide Three: *After the Decision*

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After the hearing has ended, any party who participated is welcome to request additional information from an information officer. It's important to note that an arbitrator is an independent decision maker and information officers have no influence or feedback about how or why a decision was made. Information officers cannot answer questions about a hearing that just ended or speculate on what the outcome will be.

Complaints

Any party unhappy about a decision SHOULD NOT contact the Residential Tenancy Branch (RTB) information line to complain about the arbitrator. The RTB deals with complaints about conduct or behaviour as an opportunity for improvement, but decisions made by arbitrators are final and binding. If the party has a complaint about the conduct of the hearing, they may submit their complaint to the branch by email to HSRTO@gov.bc.ca and enter on the subject line "Attention: Director – Dispute Resolution Services."

Evidence After the Hearing

Unless an arbitrator has requested particular evidence, evidence cannot be considered after the hearing has ended.

Therefore, it is very important for all parties to submit their evidence to the RTB as soon as possible and to have it on hand for the hearing.

Correction or Clarification of a Decision or Order

An arbitrator is only able to alter a decision or order under certain circumstances. They can correct any typographical or mathematical errors in an order, as well as any inadvertent omissions or obvious errors.

An arbitrator may refuse to make a correction if it does not have an impact on the decision.

An arbitrator may also clarify any part of a decision or order that is unclear, or any issue that the arbitrator may have neglected to cover in the decision or order. Again, this is entirely up to the arbitrator. A request for a clarification is not an opportunity to re-open the dispute or ask for a change in the decision or order; rather it must refer to a specific sentence or paragraph and clearly state what the party needs clarified

Requests for a correction or clarification can be submitted [online by going to the Dispute Access Site](#), or by completing the appropriate form: [Request for Correction RTB-6](#) or a [Request for Clarification RTB-38](#) and submitting it to the RTB or a Service BC location within 15 days of receiving the decision or order. There is no fee to submit these requests.

Review of the Arbitrator's Decision

An arbitrator's decision is legally binding. However, a party may in certain circumstances request a review of the arbitrator's decision and/or order. There are two ways that a decision and/or order may be reviewed, based on the reasons for it:

Application for Review Consideration

The *Residential Tenancy Act* and *Manufactured Home Park Tenancy Act* permit a party to apply for review for only the following narrow reasons:

- a party was unable to attend the original hearing (or part of the original hearing) due to circumstances that could not be anticipated and were beyond their control
- a party has new and relevant evidence that was not available at the time of the hearing and that evidence materially affects the decision
- a party has evidence that the decision was obtained by fraud
- a party 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 their control, and that evidence was not before the decision maker at the hearing
- a person who performs administrative tasks for the Residential Tenancy Branch made a procedural error that materially affected the result of the party's hearing
- a technical irregularity or error occurred that materially affected the result of the 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 Residential Tenancy Branch did not have jurisdiction to determine

After receiving the decision or order, the party who wants to apply for review must submit an application [online by going to the Dispute Access Site](#), or complete and submit the form: [Application for Review Consideration RTB-2](#) and \$50 filing fee within:

- two days if it relates to an early end of tenancy, an order of possession, unreasonably withholding consent for a sublet or assignment, or a notice to end tenancy for unpaid rent or utilities
- five days if it relates to a notice to end tenancy for any reason other than unpaid rents or utilities, obligations for repairs or maintenance, or withdrawal of services or facilities; or
- 15 days if it relates to any other part of the *Residential Tenancy Act* or *Manufactured Home Park Tenancy Act* not listed above.

The application must clearly set out the grounds for the request and must be accompanied with sufficient supporting evidence. A different arbitrator will review the application and supporting evidence. They will issue a decision on whether to order a review hearing or to dismiss the application, in which case the original decision and any orders are upheld.

If the arbitrator decides there are not sufficient grounds to hold a review hearing, only the party who applied will receive that decision. If the arbitrator decided a review hearing should be held, both the applicant(s) and the respondent(s) at the original hearing will receive notice that a review hearing will be held.

Application for Judicial Review

The *Judicial Review Procedure Act* permits a party to apply to the BC Supreme Court for judicial review if they believe that the arbitrator has:

- misapplied or misinterpreted the applicable tenancy legislation in a dispute resolution hearing
- showed a perceived bias toward a particular party participating in the hearing; or
- conducted them self in what is perceived as an inappropriate manner.

A party who is considering a petition for judicial review may wish to seek the assistance of a lawyer or legal advocate.

The Supreme Court may expect a party to have applied to the RTB for a review consideration as a first step if the grounds fall within those set out in the *Residential Tenancy Act* or *Manufactured Home Park Tenancy Act*.

A review by this court is not a new hearing or appeal. It is a review of the fairness of the arbitrator's decision or whether the arbitrator correctly applied the legislation.

If the court is concerned with the fairness of the dispute resolution hearing or the proper use of the law by the arbitrator, the court may set aside the arbitrator's decision and send the matter back to be re-heard by a different arbitrator. If the judicial review of the arbitrator's decision is denied or if no judicial review is requested, the arbitrator's decision and orders are valid and enforceable.

A party has 60 days to apply for judicial review from the date of the arbitrator's decision, although the time limit may be extended by the Court.

Residential Tenancy Branch Contact Information

For more information, including forms, information videos and other resources, please visit www.gov.bc.ca/landlordtenant

If you need to discuss your matters with an information officer, you may contact the RTB by phone, email, or visit one of our two locations.

- **Lower Mainland:** 604-660-1020
- **Victoria:** 250-387-1602
- **Elsewhere in BC and Canada:** 1-800-665-8779

Our call centre and offices are open Monday to Friday from 9 a.m. to 4 p.m., excluding statutory holidays. Our call centre and offices are closed from 9 a.m. to 11 a.m. on the last Wednesday of each month.

Email: HSRTO@gov.bc.ca

The RTB office is located at:

400 - 5021 Kingsway
Burnaby, V5H 4A5

Please check our website for the current office hours.

TIP: If calling or visiting an RTB location, please have your questions written down ahead of time or any documents relating to your tenancy issues with you. This will make the interview more efficient and will ensure that all your questions are answered.