



Landlord and Tenant Fact Sheet

RTB-111

Clarification or Correction of Orders and Decisions

s. 78 Residential Tenancy Act and s. 71 Manufactured Home Park Tenancy Act

The *Residential Tenancy Act* (RTA) and the *Manufactured Home Park Tenancy Act* (MHPTA) give Dispute Resolution Officers (DROs) the power to clarify decisions or orders, to correct typographical or arithmetical errors, and to deal with an obvious error or inadvertent omission in the decision, order or reasons.

A DRO may clarify or correct an order or decision even if one of the parties to the dispute has not made a request. A DRO will not clarify or correct a decision or order unless he or she considers it is fair to do, taking into account all of the circumstances.

The RTA and MHPTA also allow DROs to review and change their orders in limited circumstances. See Fact Sheet RTB: "Review of a Dispute Resolution Officer's Decision".

Clarification of a Dispute Resolution Officer's Order or Decision

If you are uncertain about or do not understand a DRO's decision or order, the first step is to speak with an Information Officer at the Residential Tenancy Branch (RTB). The Information Officer may be able to explain the DRO's decision and the relevant provisions of the RTA or the MHPTA on which the decision was based. If the Information Officer is unable to help you with your questions, you can ask the DRO for clarification by completing a "Request for Correction of an Error or Omission, or to Clarify the Decision or Order of a Dispute Resolution Officer" form (RTO-6).

Once you complete the form, it will be forwarded to the DRO by RTB staff.

"Clarification" does not allow the dispute resolution officer to change the decision. Clarification involves making the order or decision clearer, by providing an explanation about some part of the decision. The purpose of asking for a "Clarification" is not to re-argue facts and circumstances about the dispute. It is to ensure that there is no confusion or uncertainty about what a DRO ordered.

A DRO may not grant the request for clarification unless he or she considers it is fair to do so.

Correcting an error or obvious omission in the decision

A DRO can correct a typographical, arithmetical or other similar error in the decision or order if he or she thinks it needs to be done. A DRO can also correct an obvious error in the decision or order. An "obvious error" is one that can be easily seen or understood and that the DRO readily agrees is an error. The DRO may correct a decision or order if he or she:

- misread the evidence or his or her notes. For example the DRO neglected to include one of the invoiced amounts accepted into evidence at the hearing in determining the amount to award a landlord for a claim against the security deposit;
- made a finding of fact that was clearly in error based on the evidence presented. For example: the decision states that tenancy started on January 1, 2006, when the parties had provided evidence and agreed that the

Office of Housing and Construction Standards

Residential Tenancy Branch
Lower Mainland: 604-660-1020 Victoria: 387-1602 Elsewhere in BC: 1-800-665-8779
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#04018-111(10/2006)

tenancy had started on January 1, 2005, and the error in the date was important to the outcome of the hearing.

- made a clear and unequivocal mistake by misreading the RTA or MHPTA. For example: the DRO used a wrong word that translated a negative into a positive.

This provision is not intended to permit a dispute resolution officer to reconsider broader legal arguments.

Time limit to apply

You can make a request for clarification or correction of an error or omission within 15 days after the decision or order is given. You do not need to give notice to the other party to the dispute when you make this kind of request, but the DRO may decide that you need to give the other party notice in order to be fair. If the DRO decides that he or she needs to call the parties back for a hearing, you will be required to give notice to the other party.

The 15-day time limit does not apply to a request to correct a typographical or arithmetical error.

The 15-day time limit does not apply to a DRO who decides, on their own to clarify or correct an obvious error. The dispute resolution officer will consider the amount of time that has passed since the original decision was given and the effect on the other party and any third parties who may have already acted on the decision.

For more information ...

Visit the RTB's Web site at www.rto.gov.bc.ca.

Call an Information Officer or listen to our 24 Hour Recorded Information Line:

Lower Mainland: 604-660-1020

Victoria: 250-387-1602

Elsewhere in BC: 1-800-665-8779

Visit the RTB nearest you:

Burnaby: 400-5021 Kingsway

Victoria: 1st Floor, 1019 Wharf Street

Kelowna: 101-2141 Springfield Road

RTB Burnaby and Victoria are open 8:30 a.m. to 4:30 p.m., Monday to Friday.

RTB Kelowna is open 8:30 a.m. to 12 noon, Monday to Friday for limited services.

All RTB offices are closed on statutory holidays.

If there is no RTB in your area, you can get residential tenancy guides, fact sheets and forms online at www.rto.gov.bc.ca or at any Service BC—BC Government Agents Office.