



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes MT, CNC, CNR

Introduction

This matter dealt with an application by the tenant for more time to file an application to dispute a Notice to End Tenancy for cause as issued by the landlord on July 19, 2008. The tenant, at the hearing gave evidence that he had received the Notice on July 25, 2008.

The tenant's request for more time is based upon his reading of the Notice, in that he interpreted the wording as requiring him to attend at the Residential Tenancy Office in Victoria in order to file the application and that he resides in Nanaimo. The tenant's application was filed on August 15, 2008, well past the 10 day statutory period provided by law for the filing.

At the hearing the landlord requested an immediate order of possession.

Issues(s) to be Decided

Is the tenant entitled to more time to file an application for dispute resolution?

If the tenant is granted more time, does the evidence support the Notice for Cause as issued by the landlord?

Analysis

I quote from the Residential Tenancy Policy Guideline No 36:
"Extending a Time Period"

The Residential Tenancy Act¹ and the Manufactured Home Park Tenancy Act² provide that an arbitrator may extend or modify a time limit established by these Acts only in exceptional circumstances.

Based upon the evidence provided to be by the tenant, I do not find that his delay in filing the application falls under the definition of "exceptional circumstances". The Notice is very clear as to the deadline and provides the tenant with phone numbers where they



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can call to seek information on filing an application. The delay of over twenty days is well past the time allowed.

Conclusion

I find that the tenant is not entitled to more time to dispute the Notice to End Tenancy issued on July 19, 2008. As the tenant has not disputed the Notice within the time limits, he is deemed to have accepted that the tenancy will end on the effective date of the Notice and must vacate the premises. I therefore dismiss the tenant's application.

The landlord at the hearing requested an immediate order of possession and as the tenant's application has been dismissed he is entitled to an order. I grant the landlord an immediate order of possession to be effective two days after service upon the tenant. The order may be filed with and enforced as an order of the Supreme Court of British Columbia.

Dated: September 12, 2008

Dispute Resolution Officer