



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: MT, CNC, FF

This hearing dealt with the tenant's application to 1) allow her more time to make an application to cancel a notice to end tenancy and, 2) cancel a notice to end tenancy for cause.

A notice to end tenancy for cause was served on the tenant on August 11, 2008. During the hearing, the tenant acknowledged receiving this notice on that date. The tenant did not file her application for dispute resolution to dispute this notice until 17 days later on August 28, 2008. When asked why she had failed to make an application for dispute resolution within the prescribed time frame of 10 days, the tenant gave numerous reasons as follows:

1. The tenant received multiple eviction notices. When it was pointed out to her that this was the first notice to end tenancy, the tenant said that she did not receive it.
2. The landlord handed her a lot of papers.
3. The tenant was trying to work.
4. The landlord walked the neighbourhood
5. The tenant did not read the notice. Later, she changed her testimony to state that she "read it all"
6. The tenant was unsure as to how long she had.

I do not find any of the above reasons to be serious and compelling. I am therefore dismissing the tenant's application to allow her more time to make an application to cancel a notice to end tenancy.

Having made this finding, I find that the tenant has not filed the application for dispute resolution within the prescribed period of 10 days and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Based on the above facts, I find that the landlord is entitled to an order of possession with an effective date of September 30, 2008. Should the tenant failed to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I also dismiss the tenant's application to recover the filing fee from the landlord for the cost of this application.

Dated September 25, 2008.