



Dispute Resolution Services

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

Decision

Dispute Codes: CNC, MT

Introduction

This Hearing dealt with an Application for Dispute Resolution by the Tenant for more time to file an application to cancel a 1 Month Notice to End Tenancy for cause. This Notice was issued by the Landlord on July 31, 2008 and the Tenant confirmed receipt of the Notice on July 31, 2008. The Tenant, the Tenant's agent, the agent for the Landlord and a witness for the Landlord participated in the Hearing and each gave affirmed testimony.

Issue(s) to be Decided

The issues to be decided based on the oral testimony and documentary evidence are:

- Whether the Tenant is entitled to more time to file an Application for Dispute Resolution and
- If so, does the evidence support the 1 Month Notice to End Tenancy for cause as issued by the Landlord.

Evidence and Analysis

The Landlord submitted into evidence a copy of the 1 Month Notice to End Tenancy for cause dated July 31, 2008. A Tenant has 10 days within which to submit an Application for Dispute Resolution after receiving a 1 Month Notice to End Tenancy. While the Tenant acknowledged receiving the Notice on July 31, 2008, he filed his Application for Dispute Resolution outside of the 10 day period on August 14, 2008. Section 66 of the *Residential Tenancy Act* provides that the Director may extend a time limit in the event

that the Tenant shows there were exceptional circumstances that prevented filing the Application for Dispute Resolution within the prescribed time.

I have considered all the oral testimony and documentary evidence provided. In the result, I am not persuaded that the Tenant's reasons for late filing of his Application for Dispute Resolution fall within the realm of exceptional circumstances. I therefore dismiss the Tenant's Application for Dispute Resolution.

Conclusion

At the Hearing the Landlord requested an immediate Order of Possession, and as the Tenant's Application for Dispute Resolution has been dismissed, the Landlord is entitled to an Order of Possession. Accordingly, I grant the Landlord an immediate Order of Possession to be effective 2 days after service upon the Tenant.

This Order must be served on the Tenant and may be filed with and enforced as an Order of the Supreme Court of British Columbia.

DATED: September 15, 2008