



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MT, CNC, FF, (OPC)

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to allow the tenant more time to make an application to cancel a Notice to End Tenancy, to cancel a Notice to End tenancy for cause and a Monetary Order to recover the filing fee.

The landlords appeared at the hearing and the tenant was represented by his father. The tenants' application is dismissed without leave to reapply for the following reasons.

Service of the hearing documents was not done in accordance with section 89 of the *Act*. The tenant had three days from April 07, 2009 to serve the landlords with the hearing documents but these were not served until April 26, 2009. The tenant's father states that the tenant has broken his arm but this does not constitute a serious or compelling reason why the hearing documents were not served within the prescribed time frame.

The tenant had 10 days to dispute a One Month Notice to End Tenancy. This Notice was served on the tenant on March 26, 2009. The tenant did not file an application for dispute resolution with the Residential Tenancy Branch until April 07, 2009. If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with the *Residential Tenancy Act* s.47(4) the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

At the hearing the landlords request an Order of Possession. I uphold the One Month Notice the landlords served on the tenant on March 26, 2009 and issue an Order of Possession to the landlords effective two days after service of the Order on the tenant.

Conclusion

The tenants' application is dismissed without leave to reapply.

An order of Possession has been issued to the Landlord. A copy of the Orders must be served on the tenant and the tenant must vacate the rental unit **two days** after service. The Order of Possession may be enforced in the Supreme Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 30, 2009.

Dispute Resolution Officer