



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MT, CNC, FF

Introduction

This matter dealt with an application by the Tenant to extend the time to apply to cancel a notice to end tenancy as well as to cancel a 30 Day Notice to End Tenancy for Cause and to recover the filing fee for this proceeding.

Issues(s) to be Decided

1. Are there exceptional circumstances that would warrant extending the time to apply to cancel a notice to end tenancy?
2. Is the Landlord entitled to end the tenancy?

Background and Evidence

This tenancy started on July 7, 2008. The Landlord served the Tenant in person on April 6, 2009 with a One Month Notice to End Tenancy for Cause dated April 6, 2009. The Tenant applied to set aside the Notice on April 23, 2009. The Tenant claimed that in an attempt to get evidence together to respond to the Notice, he delayed in applying within the time limits required under the Act.

Analysis

Section 47 of the Act says that a Tenant who receives a One Month Notice to End Tenancy for Cause must apply to set it aside within 10 days or else he is deemed to have accepted that the tenancy will end on the effective day of the notice. In this case, the Tenant received the Notice on April 6, 2009 and therefore had until April 16, 2009 to apply to set it aside. However, the Tenant applied on April 23, 2009 to set it aside.

Section 66(1) of the Act says that the Director may extend a time limit under the Act but only in exceptional circumstances. I find that the Tenant's reasons do not constitute exceptional circumstances and therefore his application to extend the time to apply to cancel the Notice to End Tenancy for Cause is dismissed.

The Landlord requested and I find pursuant to s. 55(1) of the Act that the Landlord is entitled to an Order of Possession to take effect at 1:00 p.m. on June 5, 2009.



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Conclusion

The Tenant's application is dismissed. An Order of Possession to take effect on June 5, 2009 has been issued to the Landlord and a copy of it must be served on the Tenant. 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: June 01, 2009.

Dispute Resolution Officer