

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy issued by the Landlord.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

### Issues(s) to be Decided

Should the Notice to End Tenancy be cancelled?

### Background and Evidence

At the outset of the hearing the Agents for the Landlord explained the Notice to End Tenancy had been personally served on the Tenants on June 8, 2009. The effective date of the Notice was July 31, 2009.

The Tenant acknowledged that he and his brother had been served with the Notice to End Tenancy on June 8, 2009. The Tenants did not file their Application until June 22, 2009.

### Analysis

As described in the Act and the Notice to End Tenancy document, the Tenants had 10 days from the date of service to file an Application to dispute the Notice. The Tenants waited 14 days to file their Application.

The Tenants had no evidence that there were unusual or unforeseen circumstances which prevented them from filing their claim on time.

Therefore, at the end of the hearing, I dismissed the Application of the Tenants. The Agents for the Landlord then orally requested an order of possession and I find I must grant that pursuant to section 55(1) of the Act.

The Landlord is granted an order of possession effective two days after service upon the Tenants. This order is enforceable through the Supreme Court of British Columbia.

### Conclusion

The Tenants failed to file their Application on time and their Application was dismissed.

The Landlord requested an order of possession, which was granted.

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: August 04, 2009.

---

Dispute Resolution Officer