



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNQ

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to have a Notice to End Tenancy cancelled.

Decision and reasons

On May 28, 2009, the tenant was given a section 49.1 Notice to End Tenancy. Under the Residential Tenancy Act the tenant has 15 days from the date she receives the notice, in which to file a dispute of that notice, and if she fails to do so she is conclusively presumed to have accepted the end of the tenancy.

The tenant did not file a dispute of this notice until July 2, 2009, a full 35 days after receiving the notice.

Therefore since the tenant did not file a dispute within the required time limit and has not been able to show any extenuating circumstances as to why she did not file within the 15 day limit, I will not set this notice aside and this tenancy is ended.



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Conclusion

This application is dismissed without leave to reapply and at the request of the landlord I have issued an Order of Possession to the landlord for 1:00 p.m. on August 31st 2009.

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 18, 2009.

Dispute Resolution Officer