



Dispute Resolution Services

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

Decision

Dispute Codes: MT CNC OLC FF O OPC

Introduction

This hearing dealt with applications by the tenant and the landlord. The tenant applied for an extension of time to make an application, cancellation of a notice to end tenancy, and an order that the landlord comply with the Act, regulation or tenancy agreement.

The landlord applied for an order of possession pursuant to the notice to end tenancy for cause.

Preliminary Issue – Application for Extension of Time

The landlord served the tenant with a notice to end tenancy for cause on June 3, 2009. The tenant was required to make an application to dispute the notice within 10 days of having received it. The tenant did not apply to cancel the notice until July 21, 2009. The tenant therefore applied for an extension of time to dispute the notice.

The tenant's submission was that the landlord did try to serve a notice to end tenancy on the tenant, but the tenant was so disgusted by the false allegations in the notice that the tenant returned the notice to the landlord. The tenant then requested that the landlord again serve the tenant with a copy of the notice, but the landlord did not do so until July 20, 2009.

The landlord's response was that on June 3, 2009, he attempted five times to serve the notice to end tenancy on the tenant, and the tenant repeatedly crumpled up the notice. The landlord told the tenant that there was important information on the notice and it

would be in the tenant's best interests to accept and read the notice. A witness for the landlord was sitting in the front of the landlord's truck and witnessed the landlord attempt to serve the tenant with the notice at least four or five times.

A tenant will only be granted an extension of time to dispute a notice in extraordinary circumstances. There is no requirement for a landlord to repeatedly attempt to serve a document. I do not find that the tenant has provided evidence of extraordinary circumstances that prevented him from disputing the notice within the required time frame. I therefore deny the tenant's application for an extension of time.

As the tenant's application for more time is dismissed, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. The landlord is entitled to an order of possession.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective September 30, 2009. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As the landlord's application was successful, he is also entitled to recovery of the \$50 filing fee for the cost of his application.