

DECISION AND REASONS

Dispute Codes: MT, CNC

Introduction

This hearing was convened upon the application of the tenant seeking:

1. More time to make this application; and
2. An order cancelling a Notice to End Tenancy Given for Cause.

I am satisfied that the tenant's application for dispute resolution was duly served on the landlord by way of registered mail.

The landlord did not appear. Agents for the tenant appeared and gave evidence under oath.

Summary of Background – Application for More Time.

Agent for the tenant testified that the tenant was served with a Notice to End Tenancy for Cause on July 17, 2009. The agent says the tenant did not make application within the required 10 days because she is elderly and stressed by the situation. Further, that the tenant and her agent misunderstood the process and the agent believed the tenant had a longer time within which to dispute the notice.

Findings

Section 47 of the *Residential Tenancy Act* states that a landlord may give notice to a tenant seeking to end a tenancy for cause. Section 47 states that a tenant may dispute such a notice by making an application for dispute resolution within 10 days after the date the tenant receives the notice. If a tenant who has received such a notice does not make an application within the appropriate time, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date set out on the notice and the tenant must vacate the rental unit by that effective date.

The Act allows a Dispute Resolution Officer, upon application, to extend the time limits set out in the Act in "exceptional" circumstances. "Exceptional" means that an ordinary reason for a party not having complied with a particular time limit will not allow a Dispute Resolution Officer to extend that time limit. The word "exceptional" implies that the reason for failing to do something within the required time is very strong and compelling. The evidence of the tenant is that she did not apply on time because she was stressed by the eviction and she did not understand or did not pay attention to the law or procedure and therefore misunderstood the time limit. I find that the reasons for the delay in making this application are not exceptional.

Conclusion

The tenant's applications are dismissed.