



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes MT, CNR

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution for additional time to cancel a notice to end tenancy and to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant and her advocate. The landlord did not attend.

The tenant provided confirmation of service of hearing documents via registered mail sent on January 29, 2010. I am satisfied the landlord was properly served with hearing documents.

### Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to additional time to make an application to cancel a notice to end tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to sections 46 and 66 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenant submitted into evidence:

- An Applicant Submission outlining the background and the legislative arguments the tenant is relying upon in her application;
- A copy of a tenancy agreement for a month to month tenancy that began on February 1, 2008 with rent at the time of signing in the amount of \$700.00 due on the 1<sup>st</sup> of the month and that a security deposit in the amount of \$350.00 had been paid;
- A copy of a Dispute Resolution Decision dated December 18, 2009 ruling on a previous issue between the two parties; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent dated January 17, 2010 with an effective vacancy date of January 17, 2010 for \$2,175.00 in unpaid rent.

The tenant's advocate confirmed the tenant received the 10 Day Notice to End Tenancy for Unpaid Rent on January 7, 2010. The advocate stated it had been posted on the door of the tenant's rental unit.

### Analysis

Section 46 of the *Act* allows a landlord to end a tenancy if rent is unpaid on any day after the day it is due, by giving notice to end the tenancy effective on a date that is not earlier than 10 days after the date the tenant receives the notice.

This section allows the tenant to either pay the overdue rent or file an application for dispute resolution within 5 days of receiving the notice. The tenant did not pay the rent or make an application.

Section 66 of the *Act* allows the director to extend a time limit to make an Application for Dispute Resolution under exceptional circumstances. The section, however, does not allow an extension to dispute a notice to end a tenancy beyond the effective date of the notice.

As the effective date of the notice is January 17, 2010 and the date the tenant submitted her application to the Residential Tenancy Branch on January 28, 2010, I am unable to hear the matters of the time extension and the application to cancel the notice.

### Conclusion

For the above noted reasons, I dismiss the tenant's application, in its entirety, without leave to reapply.

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: February 10, 2010.

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Dispute Resolution Officer