

DECISION

Dispute Codes CNC

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 section 47 Notice to End Tenancy cancelled

Decision and reasons

The applicant was served with a Section 47 one month Notice to End Tenancy, on January 21, 2010. Section 47(4) of the Residential Tenancy Act states:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

The tenant failed to apply to dispute the Notice to End Tenancy within the 10 day limit, and in fact did not apply until 19 days after receiving the Notice to End Tenancy.

Therefore the tenant is conclusively presumed to have accepted that the tenancy ends and I will not set the notice aside, and since the landlord has accepted payment for the month of March 2010 for use in occupancy only I will issue an Order of Possession for the end of March 2010

Conclusion

This application is dismissed without leave to reapply and I have issued an Order of Possession to the landlords for 1:00 p.m. on March 31, 2010.

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: March 25, 2010.

Dispute Resolution Officer