

DECISION

Dispute Codes CNR, MT, PSF

Introduction

A substantial amount of 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 an application to allow the tenant more time to make an application to cancel a Notice to End Tenancy, a request to cancel a Notice to End Tenancy, and request for an order for the landlord to provide services or facilities required by law.

Background and Evidence

On September 13, 2010 the applicant received a 10 day Notice to End Tenancy for non-payment of rent.

The tenants filed his dispute of the Notice to End Tenancy on September the 24th 2010.

The applicant testified that:

- He was not aware that he only had five days to file a dispute of a Notice to End Tenancy and that is why he filed on September 24, 2010.
- He also does not think did this tenancy should be ended, because he informed the landlord that he would have the full rent by September 25, 2010.
- He has not paid the remaining \$1150.00 for September 2010 rent, nor has he paid any of the \$1450.00 rent for October 2010.
- He still thinks this notice should be set aside because he had originally been willing to pay the rent by September 25, 2010.

Analysis

My decision that I have no grounds to set this Notice to End Tenancy aside.

First of all the tenant did not file his dispute of the notice within the five day time limit and in fact he did not file until 11 days after receiving the Notice to End Tenancy.

Secondly he has not paid the outstanding \$1150.00 September rent, and now October's full rent is also outstanding.

The tenant is stated that he was willing to pay the full outstanding rent I September 25, 2010, however even if he had that would not have avoided the Notice to End Tenancy as it was well past the five day time limit.

Therefore I will not set this Notice to End Tenancy aside and at the request of the landlord I have issued an Order of Possession

Residential Tenancy Branch
Ministry of Housing and Social Development

Since this tenancy is ending I will not be issuing any order for the landlord to provide any services or facilities.

Conclusion

This application is dismissed in full without leave to reapply and have issued an Order of Possession to the landlords that's enforceable two days after service on the tenant.

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: October 28, 2010.

Dispute Resolution Officer