



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNC

### Introduction

A substantial amount of documentary evidence, photo 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.

### Decision and reasons

The applicant did not apply for dispute resolution within the time limit set out in the Residential Tenancy Act.

Section 47 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



# Dispute Resolution Services

Page: 2

Residential Tenancy Branch  
Ministry of Housing and Social Development

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

In this case the tenant did not apply for dispute resolution until 26 days after receiving the Notice to End Tenancy and although he claims that he was ill is provided no evidence in support of that claim.

Therefore since the applicant did not apply within the time limit and in fact was more than double the time limit I will not be setting this Notice to End Tenancy aside and this tenancy will end.

At the request of the landlords I have issued an Order of Possession.

## Conclusion

This application is dismissed in full without leave to reapply and I have issued an Order of Possession to the landlords for 1 p.m. on November 30, 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: November 15, 2010.

---

Dispute Resolution Officer