



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNL

Introduction

This is an application by the Tenant for more time to make an application to cancel a notice to end tenancy and to cancel the notice to end tenancy issued for the Landlord's use of the rental property.

Both parties attended the hearing by conference call and gave testimony.

Issue(s) to be Decided

Is the Tenant allowed more time to make an application to cancel a notice to end tenancy for Landlord's use?

Background and Evidence

The Tenant states that the 2 month notice to end tenancy for Landlord's use was received on February 26, 2011. The Landlord states that it was served in person on the Tenant on February 23, 2011. The Tenant did not dispute the Landlord's dispute date, but the Landlord did not fill out the date of the notice when she signed it.

The Tenant states that deadline date to file an application after 15 days ends on Saturday, March 12, 2011. The Tenant filed his application on March 15, 2011. The Tenant states that because the deadline falls on a weekend, he is allowed to apply on the Monday (March 14, 2011) following. The Tenant states that he sent a courier on Monday, March 14, 2011 at 4:20pm to the Residential Tenancy Branch Office, who was told that since there was already a line up, that it was not possible to file the application that day. The Tenant stated when questioned if he had any compelling reasons why he did not apply sooner, that he did not.

Analysis

Both parties attended the hearing by conference call. The Landlord has not disputed receiving the notice of hearing package and has not filed any evidence, I am satisfied that both parties have been properly served with the notice and evidence packages.

The Tenant filed the application 1 day late. The Tenant has not provided any compelling reason why he should be allowed more time to file his application for dispute resolution. The Tenant's application is dismissed.

Conclusion

The Tenant's application for more time is dismissed. The notice to end tenancy stands. The Tenant's application to cancel a notice to end tenancy was not addressed.

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: April 04, 2011.

Residential Tenancy Branch