



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, OLC

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on June 21, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an extension of time to disputed Notice to End Tenancy, a request to cancel a Notice to End Tenancy, a request for recovery of the filing fee.

Background and Evidence

Advocate/agent for the tenant testified that:

- The tenant suffers from mental health issues, and English is also his second language and therefore he relies on our agency to assist in with issues such as this.
- He did not apply with the 10 day time limit, because his caseworker suddenly went off on sick leave, and therefore the application was delayed by one-day past the time limit. They therefore request an extension of time to apply.

- They also request that the Notice to End Tenancy be cancelled, because it is their belief that the landlord is blaming the tenant for bedbug infestation that was not his fault.
- They also request recovery of the filing fee.

Analysis

It is my decision that considering the circumstances it's reasonable that I grant a one-day extension for the tenant to apply for dispute resolution and therefore I allow that request.

Further is my decision that I will set aside the Notice to End Tenancy. The landlord did not appear to give any reasons why the Notice to End Tenancy has been given, and the tenant has stated that he does not believe there are reasonable grounds to end his tenancy. In the absence of any evidence from the landlord am not willing to uphold the notice.

I also allow the request for recovery of the filing fee.

Conclusion

Order

I hereby order that the Notice to End Tenancy dated June 9, 2011 is cancelled and this tenancy continues. I further order that the landlord bear the cost of the filing fee and therefore the tenant may make a one-time deduction of \$50.00 from future rent payable to the landlord.

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: July 13, 2011.

Residential Tenancy Branch