



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request to cancel a Notice to End Tenancy

Decision and reasons

I am not willing to proceed with a hearing on the application to cancel a Notice to End Tenancy, because the applicant did not apply for dispute resolution within the time limit required under the Residential Tenancy Act.

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 has admitted to receiving the Notice to End Tenancy on September 22, 2011; however the tenant did not file his application for dispute resolution until October 4, 2011.

Further the tenant has not applied for an extension of time to file an application.

Therefore the tenant is conclusively presumed to have accepted that this tenancy ends on the effective date of the notice, which was October 31, 2011.

The landlord therefore has the right to an Order of Possession however since the landlord has already accepted money for use in occupancy for the month of November 2011, I will issue an Order of Possession for November 30, 2011.

Conclusion

The tenant's application is dismissed and I have issued an Order of Possession to the landlords for November 30, 2011 at 1:00 p.m.

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 01, 2011.

Residential Tenancy Branch