



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MT, CNC

### Introduction

This hearing was scheduled in response to the tenant's application for more time to make an application to cancel a notice to end tenancy / and cancellation of a notice to end tenancy. Both parties participated in the hearing and gave affirmed testimony.

### Issue(s) to be Decided

Whether the tenant is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began on July 1, 2011. Monthly rent is \$800.00 and a security deposit of \$400.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated December 8, 2011, a copy of which is not in evidence. The parties agree that the notice was served in person on that same date. It is understood that there are several reasons on the notice which are identified in support of its issuance.

Pursuant to section 47(4) of the Act, a tenant has 10 days to dispute the notice after it is received. In this case the 10<sup>th</sup> day was December 19, as December 18, 2011 was a Sunday. However, the tenant filed her application on January 6, 2012. The tenant identified the reasons for late filing of her application as directly related to stress which "has triggered my crohn's disease" and led to her being "in bed most days out of the last month." There is no documentary evidence to support the tenant's claim, such as a letter from an attending physician for example.

During the hearing the landlords confirmed their wish to obtain an order of possession.

### Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 1 month notice to end tenancy for cause dated December 8, 2011. I also find that the tenant did not file an application to dispute the notice within the 10 day period available for her to do so. Further, I find that there is insufficient evidence that the tenant's stated reasons for requesting more time to make an application to dispute the notice fall within the meaning of "exceptional circumstances" as set out in section 66 of the Act (**Director's orders: changing time limits**), or as discussed in Residential Tenancy Policy Guideline # 36 ("Extending a Time Period").

In the result, the tenant's application for more time to make an application to cancel a notice to end tenancy is hereby dismissed, and I find that the landlords have established entitlement to an order of possession.

### Conclusion

I hereby issue an **order of possession** in favour of the landlords effective not later than **two (2) days** after service on the tenant. This Order must be served on the tenant. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: January 26, 2012.

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Residential Tenancy Branch