



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause. The tenant and an agent for the landlord participated in the teleconference hearing.

### Preliminary Issue – Extension of Time

On October 17, 2011 the landlord served the tenant a notice to end tenancy for cause by posting the notice on the door of the rental unit. The tenant indicated on his application for dispute resolution that he received the notice on October 17, 2011. The tenant did not apply to dispute the notice until October 31, 2011.

A tenant who intends to dispute a notice to end tenancy for cause must apply to dispute the notice within 10 days of the date they receive the notice. A tenant who applies after the statutory deadline may have the time extended if they can establish that there were extraordinary circumstances preventing them from applying in time.

The tenant stated that he did not make his application in time because he was trying to reconcile the situation with the landlord, but they were unable to come to an agreement. The tenant also stated that he has ADD and severe depression, and is not always able to remember deadlines. The tenant believed that he made his application in time, so he was unaware that he would have to provide supporting evidence, such as doctors' notes, to demonstrate that he would be entitled to an extension of time.

I find that the tenant did not provide sufficient evidence to establish that he was entitled to an extension of time. The tenant's application is dismissed.

In the hearing the landlord orally requested an order of possession. Under section 55, of the Act, I therefore must grant the landlord an order of possession.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective November 30, 2011. The tenant must be served with the order of possession. 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: November 21, 2011.

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Residential Tenancy Branch