



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, DRI, CNR and ERP

Introduction

This hearing was convened on the tenant's application dated December 12, 2011 and received on December 13, 2011 to request that a 1—day Notice to End Tenancy for unpaid rent served in person on December 5, 2011 be set aside.

The tenant had also sought to dispute an additional rent increase and an order for emergency repairs, but those matters are moot as the tenant advised during the hearing that he has found new accommodation and will be moving on January 5, 2012.

The tenant had also requested more time to bring the present application. While that request is also moot in view of the tenant's evidence that he is moving on January 5, 2012, I note that section 66 of the *Act* permits an extension of time only in exceptional circumstances. The tenant gave no evidence of exceptional circumstances that would warrant a time extension.

I find that the application has not met the requirement of section 46(4) of the *Act* which permits a tenant five days to make application to contest a notice to end tenancy for unpaid rent. Therefore, the application is dismissed without leave to reapply and the Notice to End Tenancy remains in effect.

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 03, 2012.

Residential Tenancy Branch