



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OPC, FF

### Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give evidence orally.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The tenant's application is a request to cancel a Notice to End Tenancy that was given for cause and a request for recovery of the \$50.00 filing fee.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause, and a request for recovery of the \$50.00 filing fee.

Decision and reasons

On January 27, 2012 the landlord taped the Notice to End Tenancy for cause on the door of the tenant's rental unit.

Documents served in this manner are considered served three days later unless there is evidence that they were received earlier.

In this case there is evidence that the Notice to End Tenancy was received earlier, because on the tenant's application for dispute resolution they have stated that the Notice to End Tenancy was received on January 27 taped on their door.

When tenants receive a Notice to End Tenancy for cause they must apply for dispute resolution within 10 days of receiving that notice or else they are conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and they must vacate the rental unit by that date.

At the hearing the tenants stated that they may not have received the notice on January 27, that it may have been a few days later, however I find it unlikely that they would have put January 27 on their application if they had not found the documents on that date.

Therefore in this case the tenants had to file a dispute of the notice by February 6, 2012.

The tenant's application was not filed until February 9, 2012 and therefore they are past the 10 day time limit.

Therefore it is my decision that the tenants are conclusively presumed to have accepted that the tenancy ends on February 29, 2012, the effective date of the notice, and they must vacate the rental unit by that date.

### Conclusion

The tenant's application is dismissed without leave to reapply.

I have issued an Order of Possession to the landlord for 1:00 p.m. on February 29, 2012 and I further ordered that the respondent's pay the landlord \$50.00 to cover the cost of the filing fee

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: February 27, 2012.

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Residential Tenancy Branch