

DECISION

Dispute Codes MT, CNR

This is an application filed by the Tenant for more time to file an application to cancel a notice to end tenancy and to cancel the notice to end tenancy for unpaid rent.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend. The Tenant states that she personally served the Landlord on March 14, 2012 with the notice of hearing documents at the Landlord's Rental Office with her boyfriend R.J., as a witness for proof of service. I accept the Tenant's testimony that the Landlord was personally served with the notice of hearing documents on March 14, 2012 and as such, find that all parties have been properly served under the Act. Neither party has submitted any evidence.

Is the Tenant entitled to more time to file an application to cancel a notice to end tenancy for unpaid rent? The Tenant states on her application as well as in direct testimony that the 10 day notice to end tenancy for unpaid rent dated March 7, 2012 was received from the Landlord on March 7, 2012. The Tenant states that she has been having medical issues that prevented her from applying on time. The Tenant has filed no evidence to support this. Residential Tenancy Policy Guideline #36 speaks to extending a time period. A Dispute Resolution Officer may extend or modify a time limit established by the legislation only in exceptional circumstances. "Exceptional" means that an ordinary reason for a party not having complied with a particular time limit will not allow a Dispute Resolution Officer to extend that time limit. I find that the reason without supporting evidence provided by the Tenant has failed to satisfy me that exceptional circumstances exist and as such the Tenant's application for more time is dismissed without leave to reapply.

The Tenant's application for more time is denied.

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: April 03, 2012.

Residential Tenancy Branch