

## **DECISION**

**Dispute Codes**      MT, CNC

This is an application filed by the Tenant to allow for more time to make an application to cancel a notice to end tenancy. If successful, the Tenant seeks to obtain an order to cancel a notice to end tenancy for cause.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have acknowledged the evidence submitted by the other party, I am satisfied that each has been properly served under the Act.

The Tenant states that he lives with manic depression and despite taking medication went into a deep depression for over a week after receiving a notice to end tenancy from the Landlord that prevented him from filing his application for dispute within the allowed time frame. The Tenant has submitted a letter dated November 17, 2010 that confirms that the Tenant suffers from bipolar disorder. That he is well maintained on medication and stable and compliant with his medication and his attendance for appointments.

Section 66 of the Residential Tenancy Act states

### **Director's orders: changing time limits**

66 (1) The director may extend a time limit established by this Act only in exceptional circumstances, other than as provided by section 59 (3) *[starting proceedings]* or 81 (4) *[decision on application for review]*.

I find that the Tenant has failed to satisfy me that he had exceptional circumstances. The Tenant received the notice on March 22, 2012 and filed his application for dispute on April 10, 2012 approximately 19 days later. The Tenant was unable to provide any type of supporting evidence that the depression made him unable to file for dispute or seek assistance in filing for dispute. As such, I find that the notice dated March 22, 2012 is valid and in force. The Tenant must comply with the move out date indicated on the notice for May 1, 2012.

As the application for more time has been denied, all aspects of the application to cancel a notice to end tenancy were not considered.

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 25, 2012.

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Residential Tenancy Branch