



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, CNQ, FF, MNDC, MNSD, MT O

Introduction

Some documentary 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 their evidence orally.

All testimony was taken under affirmation.

Issue(s) to be Decided

First of all it is my decision that I will not deal with all the issues that the applicants have put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the request to allow the tenant more time to make an application to cancel a Notice to End Tenancy, and if more time is granted, the request to cancel a Notice to End Tenancy, and I dismiss the remaining claims with liberty to re-apply.

The request for more time to make an application to cancel a Notice to End Tenancy

Background and Evidence

The landlord personally served a two month Notice to End Tenancy on the tenants on April 2, 2012.

Any dispute of a two month Notice to End Tenancy must be filed within 15 days of receiving the Notice to End Tenancy and therefore it had to be filed by April 17, 2012.

This application to dispute that notice was filed on April 25, 2012.

The applicant is requesting more time claiming that:

- They had originally filed a dispute of the notice on April 11, 2012 however the Residential Tenancy Branch left a message on their alternate phone number rather than their primary phone number and therefore they did not pick up their package within the time limit required and the original application was cancelled.
- They are therefore requesting an extension of time to April 25, 2012 to file a dispute of the Notice to End Tenancy.

The applicant testified that:

- He is opposed to the tenant's request for an extension of time to apply for dispute resolution.

Decision and reasons

The applicant provided two phone numbers to the Residential Tenancy Branch on their initial application to dispute the Notice to End Tenancy, and therefore the applicant's should have made sure they checked for messages on both phone numbers.

I am not willing to grant an extension of time to the tenants simply because they failed to check for messages on one of the numbers they provided to the Residential Tenancy Branch.

Therefore this tenancy will end pursuant to the Notice to End Tenancy, however since the notice was served in April of 2012 the end of tenancy date is actually June 30, 2012, and not May 31, 2012 as written on the Notice to End Tenancy.

Conclusion

The tenant's application for an extension of time is dismissed and I have issued an Order of Possession to the landlord for 1 p.m. on June 30, 2012.

As stated previously, the monetary portion of this application is dismissed with leave to reapply.

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: May 17, 2012.

Residential Tenancy Branch