



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, OPC, MNSD, MNR, FF

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 and the parties were given the opportunity to ask questions of the other parties.

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 for more time to make an application to cancel a Notice to End Tenancy, and a request to cancel a Notice to End Tenancy.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for cause, a request for a monetary order for \$700.00 in outstanding rent, and a request for recovery of the \$50.00 filing fee.

Tenants application

Decision and reasons

The tenant is requesting more time to make an application to cancel a Notice to End Tenancy, stating that she is a very busy person and could not get around to filing her application within the time limit.

Under the Residential Tenancy Act the tenant has 10 days to dispute a one month Notice to End Tenancy that is given for cause.

The tenant admits that she received this notice on April 25, 2012 and therefore any request to cancel the notice should have been filed by May 5, 2012.

The tenant did not file to cancel the notice until May 11, 2012, 6 days past the time limit required under the Residential Tenancy Act.

In this case the tenant has not shown that there were extenuating circumstances that caused her to file her application late, and therefore it is my decision that I will not accept this late application.

Therefore the tenant's application to cancel the Notice to End Tenancy is dismissed and this tenancy ends pursuant to that notice.

Landlords application

Decision and reasons

As stated above, the tenant's application to cancel the Notice to End Tenancy has been dismissed and therefore I allow the landlords request for an Order of Possession and have issued an Order of Possession that is enforceable two days after service on the tenant.

At the hearing the tenant also admitted that she has failed to pay the May 2012 rent, and therefore I also allow the landlords claim for that \$700.00 outstanding rent.

I also order recovery of the landlord's \$50.00 filing fee.

Therefore since I have allowed the landlords full claim of \$750.00, I order that the landlords may retain the full security deposit of \$350.00 and have issued a monetary order in the amount of \$400.00.

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: June 04, 2012.

Residential Tenancy Branch