



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT CNR

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for unpaid rent. The tenant also applied for an extension of time to dispute the notice.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Issue(s) to be Decided

Is the tenant entitled to an extension of time to dispute the notice?  
Is the landlord entitled to an order of possession?

### Background and Evidence

The landlord stated that on April 10, 2012 they served the tenant with a notice to end tenancy for unpaid rent. The tenant stated that he could not recall when he received the notice, but he took it off the door, probably immediately after it was posted. The tenant applied to cancel the notice on April 27, 2012. The reason the tenant did not apply until this date was because his roommate did a midnight move, and the tenant could not afford to pay the full rent himself.

In the hearing, the landlord requested an order of possession dated May 30, 2012.

### Analysis

The tenant could not recall what date he received the notice. The tenant is therefore deemed to have received the notice three days after it was posted, in this case April 13, 2012. The tenant then had five days to make an application to dispute the notice. In this case the tenant did not apply to dispute the notice until 14 days after he was deemed to have received the notice.

Under section 66(1) of the Residential Tenancy Act, an extension of time can only be granted where the applicant has established that there are exceptional circumstances. I find that the tenant has failed to prove that exceptional circumstances prevented him from filing for review and I therefore decline to grant an extension of time and I dismiss the tenant's application.

During the hearing the landlord made a request for an order of possession effective May 30, 2012, on the basis that the tenant had paid all but \$50 of his rent for the month of May 2012. Under section 55 of the Act, upon the request of a landlord I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order.

### Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective May 30, 2012. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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 22, 2012.

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Residential Tenancy Branch