



# 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 for Dispute Resolution by the tenant to allow a tenant more time to make an application to cancel a notice to end tenancy and to cancel a notice to end tenancy for unpaid rent.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions to me.

### Preliminary Issue

The tenant stated she received the ten day notice to end tenancy on May 26, 2012, under the provisions of the Act the tenant had five days to file an application for dispute resolution. The tenant's application was filed on June 1, 2012, requesting to allow more time to make an application to cancel a notice to end tenancy.

The tenant stated she believed she had eight days to dispute the notice and worked every day.

Under section 66(1) of the Residential Tenancy Act and extension of time can only be granted where the applicant has established that there are exception circumstances.

In this case, the tenant acknowledges she had received the notice to end tenancy on May 26, 2012. The deemed served provision is used only when there is no acknowledgement of when the document was received. I find the tenant did not take reasonable and appropriate steps to comply with the relevant time limit, and the tenant has failed to prove that an exceptional circumstance, such as a medical emergency, prevented her from filing her application. Therefore, I dismiss the tenant's application to allow a tenant more time to make an application to cancel a notice to end tenancy.

As the tenant's application is dismissed and the landlords requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

Section 55(1) of the Act states:

Order of possession for the landlord

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,  
(a) the landlord makes an oral request for an order of possession, and  
(b) the director dismisses the tenant's application or upholds the landlord's notice.

As I have dismissed the tenant's application, I find that the landlords are entitled to an order of possession. The landlords have agreed to extend the effective date to July 15, 2012. The landlord requires the tenant to pay a prorated rent for July 2012, in the amount of \$425.00 and the tenant agrees to pay the prorated amount no later than July 1, 2012.

I find that the landlords are entitled to an order of possession effective **JULY 15, 2012 at 1:00 p.m.** This order must be served on the tenant and may be filed in the Supreme Court.

Conclusion

The tenant's application is dismissed.

The landlord's are granted an order of possession.

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 27, 2012.

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Residential Tenancy Branch