



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, OPR, MNR, FF

Introduction

This hearing was convened in response to applications by the tenant and the landlordS.

The tenant's application is seeking orders as follows:

1. Allow a tenant more time to make and application to cancel a notice to end tenancy;
2. For an order of possession;
3. To have the landlord make emergency repairs for health and safety reasons; and
4. To allow a tenant to reduce rent for repairs, services.

The landlord's application is seeking orders as follows:

1. For an order of possession; and
2. For a monetary order 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 at the hearing.

Preliminary issue

The tenant acknowledged he received the ten day notice to end tenancy on October 5, 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 October 25, 2012, requesting to allow more time to make an application to cancel a notice to end tenancy

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 writes in his application that he did not have any insurance on his truck or gas to be able to file the application for dispute.

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 him from filing his 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 a result the landlord is entitled to an order of possession.

Settlement Agreement

During the hearing, the parties agreed to settle these matters, on the following conditions:

- 1) The parties agreed the tenancy will end on December 2, 2012 at 5:00 pm;
- 2) On December 2, 2012, at 5:00 pm the parties will meet at the rental unit to perform the move-out inspection;
- 3) If the tenant has cleaned the unit to a reasonable standard and had not damaged the unit, the landlord agreed to return the security deposit of \$300.00 to the tenant; and
- 4) The landlords have withdrawn their claim for a monetary order for unpaid rent.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*.

Conclusion

The landlord is granted an order of possession effective December 2, 2012 at 5:00 pm.

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: November 29, 2012.

Residential Tenancy Branch