



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNR MNDC

Introduction

This was an application by the tenant to cancel a notice to end tenancy, as well as for an extension of time to cancel the notice, and a monetary order for loss or compensation under the Act, regulation or tenancy agreement. The tenant and two agents for the landlord participated in the teleconference hearing.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the tenant's application in the conclusion of my decision.

Preliminary Issue – Extension of Time

On January 4, 2013 the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant did not look at the section of the notice regarding the requirement to applying for dispute resolution within five days after receiving it. The tenant made her application to cancel the notice on January 14, 2013.

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 applicant has failed to prove that exceptional circumstances prevented her from filing for review and I therefore dismiss the tenant's application to cancel the notice to end tenancy.

During the hearing the landlord made a request for an order of possession. Under section 55 of the Act, upon the request of a landlord I must issue an order of possession when I have dismissed an application to cancel a notice to end tenancy. Accordingly, I so order.

Conclusion

The tenant's application to cancel the notice to end tenancy is dismissed.

The tenant's application for monetary compensation is dismissed with leave to reapply.

I grant the landlord an order of possession effective two days after service. 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: January 31, 2013

Residential Tenancy Branch

