



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR

Introduction

This is an application filed by the Tenant to be allowed more time to make an application to cancel a notice to end tenancy and if allowed to cancel a notice to end tenancy issued for unpaid rent.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend. The Tenant has stated that the Landlord was served with the notice of hearing package by Canada Post Registered Mail on January 22, 2013 and has submitted a copy of the Customer Receipt Tracking No. as confirmation. I accept the undisputed evidence of the Tenant and find that the Landlord was properly served with the notice of hearing and evidence package from the Tenant on January 22, 2013 by Canada Post Registered Mail.

Issue(s) to be Decided

Is the Tenant entitled to be allowed more time to make an application for dispute resolution?

If granted an extension, is the Tenant entitled to an order cancelling the notice to end tenancy issued for unpaid rent?

Background, Evidence and Analysis

The Tenant has confirmed receiving the Landlord's 10 day notice to end tenancy issued for unpaid rent on January 4, 2013 and that she filed for dispute resolution on February 18, 2013. The Tenant states with the assistance of her Advocate that she has memory issues in-which she suffers from chronic short term memory loss. The Tenant with the aid of the Advocate stated that she attended the Advocacy Office on January 9, 2013 and intended to apply for dispute resolution, but forgot.

I accept the Tenant's undisputed testimony and find that exceptional circumstances exist that prevented the Tenant from filing the application for dispute resolution within the allowed time frame. The Application for more time is granted.

The Tenant has confirmed that she was served with a 10 day notice to end tenancy issued for unpaid rent on January 4, 2013. The Tenant states that she was able to pay for both January and February rent of \$285.00 for each month on January 26, 2013 by cheque. The Tenant states that no receipts/invoices or any notices were issued by the Landlord to her.

I find that the Landlord has by accepting rent late past the effective date of the notice to have re-instated the Tenancy. The notice dated January 4, 2013 is set aside and the Tenancy shall continue.

Conclusion

The Tenant's Application for more time is granted.

The Tenant's Application to Cancel the notice to end tenancy is granted.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 13, 2013

Residential Tenancy Branch

