



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, OPT

### Introduction

A small amount of documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing on January 30, 2013, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is an application to cancel a notice to end tenancy that was given for cause, and a request to allow the tenant more time to file an application to cancel the notice to end tenancy.

### Background and Evidence

A notice to end tenancy for cause was posted on the tenant's door on December 13, 2012 and the tenant admits to receiving that notice on December 23, 2012.

The tenant did not file a dispute of the notice to end tenancy until January 29, 2013, and is asking for an extension of time to file a dispute stating that he did not read the documents and did not know that there was a time limit.

### Analysis

When a tenant is served with a notice to end tenancy for cause, the tenant has 10 days from the date they receive the notice to file a dispute of that notice, and if they fail to do so they are conclusively presumed to have accepted the end of the tenancy.

In this case the notice to end tenancy was posted on the tenant's door on December 13, 2012, and therefore is deemed served three days later on December 16, 2012.

The tenant therefore had until December 27, 2012 to file a dispute of the notice, as December 26, 2012 was a holiday.

In this case the tenant did not file a dispute of the notice until January 29, 2013, 33 days past the time limit.

The applicant is requesting more time to file a dispute stating that he did not read the documents and did not realize there was a time limit however it's my decision that this is not a reasonable request.

Had there been a short delay, it may have been reasonable to grant an extension of time to apply, however in this case the applicant did not apply until more than four times the time limit had passed.

I am not willing to grant such long extension, and therefore I will not set aside that notice to end tenancy.

### Conclusion

The application for an extension of time to dispute a notice to end tenancy is dismissed without leave to reapply.

The application to cancel a notice to end tenancy is dismissed without leave to reapply.

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: February 25, 2013

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Residential Tenancy Branch

