



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT CNC OPC FF

### Introduction

This hearing dealt with applications by the tenant and the landlord. The tenant applied to cancel a notice to end tenancy as well as for an extension of time to make the application. The landlord applied for an order of possession pursuant to the notice to end tenancy. The tenant, the landlord and two agents of the landlord participated in the teleconference hearing.

### Preliminary Issue – Extension of Time

The tenant applied for an extension of time to cancel a notice to end tenancy. The tenant could not verify what date he was served with the notice to end tenancy, but he believed it was near the end of the month of January 2013. The notice to end tenancy is dated January 31, 2013. The landlord's agents stated that they personally served the tenant with the notice on January 31, 2013. I found that the tenant was served with the notice on January 31, 2013. The tenant's application to dispute the notice was received by the Residential Tenancy Branch on February 13, 2013. The tenant stated that he did not apply to dispute the notice within the required time frame of 10 days because there was a long weekend, so he went in to file his application after the long weekend. The tenant could not provide evidence of any extraordinary circumstances that would have prevented him from applying to dispute the notice in the week before that.

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 him from filing for review and I therefore dismiss the tenant's application.

The landlord applied for and is entitled to an order of possession, as well as recovery of the filing fee for the cost of their application.

Conclusion

The tenant's application is dismissed. As his application was not successful, he is not entitled to recovery of the filing fee for the cost of his application.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. I also grant the landlord a monetary order for \$50, representing their filing fee. 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: March 8, 2013

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Residential Tenancy Branch

