



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT, CNC

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order allowing more time to make an application to cancel a notice to end tenancy – Section 66; and
2. An Order Cancelling a Notice to End Tenancy - Section 47.

The Tenant and Landlord were given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Tenant entitled to more time to make the application?

Is the Tenant entitled to a cancellation of the notice to end tenancy?

### Background and Evidence

On January 14, 2013, the Tenant received a one month notice to end tenancy for cause (the “Notice”). On February 25, 2013, the Tenant made an application to dispute the Notice.

The Tenant states that she was not able to make the application in time due to a four year state of depression. The Tenant states that she cannot go anywhere, that she has a difficult time doing what needs to be done, that the smallest things happen and she

responds by going to bed. The Tenant states that she has not seen a doctor until this past week and has been given prescription medications. The Tenant states that two weeks ago she was able to go to the office and take care of the Landlord's financial declaration requirements.

### Analysis

Section 47 of the Act requires that upon receipt of a Notice to end Tenancy for Cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date. Section 66 of the Act provides that a time limit, such as the ten day limit noted above, may be extended only in exceptional circumstances.

The Tenant claims that because of her long term depression she was unable to make the application to dispute the Notice within the 10 day time limit. In order to establish this claim as an exceptional circumstance, it would be reasonable to expect some form of supporting medical or other documentation of immobility arising from depression. As the Tenant provided no such supporting evidence, I find that the Tenant has not met the threshold of establishing that exceptional circumstances caused the Tenant not to be able to make an application within the time frame required. I therefore dismiss the Tenant's application for having been made beyond the time limit.

### Conclusion

The Tenant's application is dismissed.

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 20, 2013

---

Residential Tenancy Branch

