



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Try N Rent Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MT CNC O OPR OPB MNR

### Introduction

This hearing dealt with applications by the tenant and the landlord. The tenants applied to cancel a notice to end tenancy for cause, as well as for an extension of time to apply to cancel the notice. The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent, as well as for an order of possession based on a breach of an agreement and a monetary order for unpaid rent of \$100. The landlord and two tenants participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence.

During the hearing the landlord stated that he wished to withdraw the monetary portion of his application. The landlord's monetary claim is therefore dismissed with leave to reapply.

I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### Preliminary Issue – Extension of Time

The tenants were served with a notice to end tenancy for cause on January 11, 2013. The tenants did not apply to cancel the notice until February 27, 2013. The tenants stated that they did not apply to cancel the notice within 10 days of being served with the notice because they served the landlord with a letter requesting that the landlord reconcile his receipts with theirs. The landlord did not reply to the tenants' letter.

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 applicants have failed to prove that exceptional circumstances prevented them from filing for review and I therefore dismiss the tenants' application.

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 upheld a notice to end tenancy. Accordingly, I so order.

As the landlord is receiving an order of possession pursuant to the notice to end tenancy for cause, it was not necessary for me to consider the notice to end tenancy for unpaid rent or an order of possession based on a breach of an agreement by the tenants.

### Conclusion

The tenants' application is dismissed.

I grant the landlord an order of possession effective March 31, 2013. The tenants must be served with the order of possession. Should the tenants 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 25, 2013

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Residential Tenancy Branch

