



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF, MT and O

### Introduction

This hearing was convened on an application by the tenants seeking to have set aside a one-month Notice to End Tenancy for cause served in person on January 20, 2013. The tenants also sought an extension of the time limit for making such application, an order to ensure their quiet enjoyment of the rental unit and recovery of the filing fee for this proceeding.

Section 47(3) of the Act provides that tenants who receive a Notice to End Tenancy for cause may make an application to contest the notice within 10 days of receiving it and this time limit is reiterated on the notice document served on the tenants.

In the present matter, the tenants first received the notice on January 20, 2013 which would have given them until January 30, 2013 to file their application. They did not apply until February 2, 2013 and amended the application on February 4, 2013.

Section 66 of the Act provides that the director's delegate may extend a time limit only in exceptional circumstances, and while the tenants stated they had attended funeral of a close family member the day they received the notice, I cannot find that to constitute the exceptional circumstances that would have made it impossible for them to make application on time.

Therefore, I advised the parties that I could not set the Notice to End Tenancy aside.

On hearing that determination, the landlord requested an Order of Possession which I am compelled by section 55(1) of the Act to issue when a tenants' application to set aside a notice to end the tenancy is dismissed or the notice is upheld and the landlord orally requests the order.

The landlords agreed to an effective date of March 31, 2013 for the order.

The landlords also promised to restore contested internet service to the rental unit to assist the tenants in finding new accommodation.

### Conclusion

The landlords' copy of this decision is accompanied by an Order of Possession, enforceable through Supreme Court of British Columbia to take effect at 1 p.m. on March 31, 2013 for service on the tenants.

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 01, 2013

---

Residential Tenancy Branch

