



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MT; CNR

Introduction

This Hearing dealt with the Tenant's Application for Dispute Resolution seeking an extension of time in order to file his Application and to cancel a 10 Day Notice to End Tenancy issued April 2, 2013 (the "Notice").

The parties provided affirmed testimony at the Hearing.

It was determined that the Tenant mailed the notice of hearing documents to the Landlord by registered mail on April 9, 2013. It was also determined that the Landlord served the Tenant with the Notice to End Tenancy on April 2, 2013.

Preliminary Matter

The Tenant was served with the Notice on April 2, 2013, and filed his Application for Dispute Resolution on April 8, 2013. The Act requires a tenant to file an application within 5 days after receipt of a Notice to End Tenancy for Unpaid Rent. April 7, 2013, was a Sunday. Section 25(3) of the Interpretation Act states:

(3) If the time for doing an act in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.

Therefore, I find that the Tenant filed his Application within the time allowed and his application for an extension is not required. This portion of the Tenant's application is therefore dismissed.

Issue(s) to be Decided

Is the Notice a valid notice to end the tenancy?

Background and Evidence

During the course of the Hearing the parties came to an agreement to settle this matter, on the following terms:

1. The Landlord withdraws the Notice to End Tenancy;
2. The Tenant agrees to pay rent owed (\$850.00) for the month of April, 2013 no later than the end of the day on May 10, 2013;
3. The Tenant agrees to pay rent owed (\$850.00) for the month of May, 2013, no later than the end of the day on May 24, 2013;
4. The Tenant agrees to pay rent owed (\$850.00) for the month of June, 2013, no later than the end of the day on June 15, 2013;
5. The Tenant will pay rent when it is due, on the first day of each month, commencing July 1, 2013, and on the first day of every month thereafter while the tenancy exists.
6. If the tenant fails to make any one of these payments set out above, the Landlord is at liberty to issue another 10 Day Notice to End Tenancy for Unpaid Rent.

Conclusion

The parties have reached a settlement agreement, the contents of which are set out above.

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: May 08, 2013

Residential Tenancy Branch