



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for cause. The tenant and the landlord participated in the teleconference hearing.

Preliminary Issue – Extension of Time Denied

The landlord stated that she served a notice to end tenancy for cause on the tenant on March 26, 2013, by placing the notice in the tenant's mailbox. The tenant could not recall what date he received the notice. I found that the tenant was deemed served with the notice on March 29, 2013. The tenant applied to cancel the notice on April 19, 2013. The tenant stated that he did not apply sooner because he was working every day.

The tenant did not apply to cancel the notice within 10 days of March 29, 2013. He did not provide sufficient evidence to establish that there were extraordinary circumstances that prevented him from applying within the required time frame. I therefore dismissed the tenant's application to cancel the notice to end tenancy.

The effective date of the notice to end tenancy is April 30, 2013. During the hearing the landlord orally requested an order of possession effective May 31, 2013. Accordingly, I granted the landlord's request.

Conclusion

I grant the landlord an order of possession effective May 31, 2013. The tenant must be served with the order of possession. 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: May 21, 2013

Residential Tenancy Branch