



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kekinow Native Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPC; OPB

### **Introduction**

This is the Landlord's application for an Order of Possession.

The parties gave affirmed testimony at the Hearing.

The Tenant acknowledged being served with the Notice of Hearing documents and copies of the Landlord's documentary evidence. The Tenant did not provide any documentary evidence to the Residential Tenancy Branch or to the Landlord.

### **Issues to be Decided**

- Is the Landlord entitled to an Order of Possession?

### **Background and Evidence**

A copy of the tenancy agreement was provided in evidence. This tenancy began on April 1, 2012. This is subsidized housing. Market rent at the beginning of the tenancy was \$1,660.00 per month. Rent is due on the first day of each month. There are three other named occupants allowed under the tenancy agreement.

The Landlord provided a copy of the One Month Notice to End Tenancy for Cause issued April 4, 2013 (the "Notice"). The Tenant acknowledged receiving the Notice on April 4, 2013.

The Tenant did not file an Application for Dispute Resolution seeking to cancel the Notice. She testified that she was going to file it today, but didn't. She stated that there were problems with the rental unit and that she would leave, but would not be able to take all of her things with her. The Tenant exited the teleconference before it was concluded.

The Landlord asked for an Order of Possession to be effective July 15, 2013, in order to allow the Tenant more time to find a place to live.

### **Analysis**

Based on the testimony of both parties, I accept that the Landlord served the Tenant with the Notice on April 4, 2013. The Tenant did not file for dispute resolution, within 10 days of receiving the Notice to End Tenancy. Page two of the Notice clearly indicates that the Tenant has 10 days after receipt of the Notice to file an Application to dispute it. The Tenant expressed a desire to be heard with respect to the causes alleged on the Notice. Section 66(1) of the Act allows me to extend a time limit established by the Act in **exceptional** circumstances. However, Section 66(3) of the Act provides that I may not extend the time limit to make an application for dispute resolution to dispute a Notice to End Tenancy beyond the effective date of the Notice.

A Notice to End Tenancy for Cause ends the tenancy effective on a date that is not earlier than one month after the date the Notice is received and is the day before the day in the month that rent is payable under the tenancy agreement. Therefore, I find the effective date of the end of tenancy was May 31, 2013. Even if I accepted that there were exceptional circumstances for the Tenant not filing an Application to dispute the Notice, Section 66(3) of the Act precludes me from allowing an extension of time to file that application.

As explained to the Tenant, pursuant to the provisions of Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on May 31, 2013. I find that the Landlord is entitled to an Order of Possession effective July 15, 2013.

### **Conclusion**

I hereby provide the Landlord with an Order of Possession effective **1:00 p.m., July 15, 2013**. This Order must be served on the Tenant and 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: June 13, 2013

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Residential Tenancy Branch