



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PRINCE GEORGE METIS HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to allow more time to make an application to cancel a Notice to End Tenancy, which was received on June 24, 2013 and to cancel a Notice to End Tenancy for cause.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary issue

The first issue that must be decided is whether the tenant should be allowed more time to make an application to cancel a Notice to End Tenancy.

The tenant acknowledged they received the 1 Month Notice to End Tenancy for Cause on June 24, 2013, under the provisions of the Act the tenant had ten days to file an application for dispute resolution. The tenant's application was filed on July 9, 2013, requesting to allow more time to make an application to cancel a notice to end tenancy.

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.

In this case the tenant stated they do not remember why they filed their application late. I find the tenant has failed to prove that an exceptional circumstance occurred, such as a medical emergency, prevented them from filing their application. Therefore, I dismiss the tenant's application to allow a tenant more time to make an application to cancel a notice to end tenancy and to cancel a notice to end tenancy.

As the tenant's application is dismissed and the landlord requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

Section 55(1) of the Act states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

As I have dismissed the tenant's application, I find that the landlord is entitled to an order of possession. The landlord has agreed to extend the effective date of the notice to August 31, 2013.

Therefore, I grant the landlord an order of possession with an effective vacancy date of August 31, 2013 at 1:00pm.

This order must be served on the tenant and may be filed in the Supreme 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: August 12, 2013

Residential Tenancy Branch

