



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNC O

Introduction

This hearing dealt with the tenant's application to cancel a notice to end tenancy for cause, as well as for an extension of time to make the application. Both the tenant and the landlord participated in the teleconference hearing.

Preliminary Issue – Extension of Time

The tenant was served with a notice to end tenancy for cause on July 5, 2013. A tenant who receives a notice to end tenancy for cause and seeks to dispute the notice must make an application to cancel the notice within 10 days of having been served with the notice. The tenant applied to dispute the notice on August 22, 2013. The tenant stated that she could not get it together financially to move, and then near the end of August 2013 she cut her hand and required surgery.

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. I find that the tenant has failed to prove that exceptional circumstances, such as an earthquake or a medical emergency, prevented her from applying within the required time frame to cancel the notice. I acknowledge that the tenant suffered an injury in late August 2013; however, this injury did not occur until after the time to make the application had passed. I therefore dismiss the tenant's application.

During the hearing the landlord made a request for an order of possession effective October 31, 2013. Under section 55 of the Act, upon the request of a landlord I must issue an order of possession when I have dismissed the tenant's application to cancel the notice. Accordingly, I so order.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective October 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: October 1, 2013

Residential Tenancy Branch