



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 3845 Investments Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MT, CNC, OPB, OPC

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord(s). Both files were heard together.

The tenant's application is a request to cancel a Notice to End Tenancy, and a request to allow the tenant more time to make an application to cancel a Notice to End Tenancy.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Whether or not to grant the tenant more time to make an application to cancel a Notice to End Tenancy.

Whether or not to cancel a Notice to End Tenancy.

Whether or not to issue an Order of Possession.

### Background and Evidence

Both sides agree that on August 28, 2013 the landlord personally served the tenant with a one-month Notice to End Tenancy for cause.

The tenant filed a dispute of the notice on September 24, 2013.

The tenant testified that:

- He did not file a dispute of the Notice to End Tenancy within the 10 day time limit because originally he had intended to move out of the rental unit.
- He has been attempting to find a rental unit to move to but has been unable to do so, and therefore he filed for dispute resolution.
- He also was unaware of the 10 day time limit in which to file the dispute.
- He is therefore requesting more time so that he can find a place.

Landlord testified that:

- The tenant is well outside the timeframe in which to file a dispute and therefore they are requesting an Order of Possession for as soon as possible.

### Analysis

When a tenant receives a one-month Notice to End Tenancy for cause, the tenant has 10 days in which to file a dispute of that notice or he is conclusively presumed to have accepted that the tenancy ends on the date established by that notice.

In this case the tenant did not file a dispute of the notice until 27 days after receiving it and therefore is almost 3 times the time limit.

Further the tenant does not have a reasonable reason for not having disputed the notice within the required timeframe and therefore I'm not willing to allow the tenants request for more time to make an application.

Therefore the end of tenancy date established by that notice was September 30, 2013, and the tenant should have vacated by then and since he did not the landlord does have the right to an Order of Possession.

Conclusion

The tenant's application is dismissed in full without leave to reapply.

I've issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

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: November 04, 2013

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Residential Tenancy Branch

