



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SEA TO SKY COMMUNITY SERVICES  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

MT, CNC

### **Introduction**

This hearing was convened in response to an application by the tenant to be allowed more time to file an application to cancel a Notice to End Tenancy for Cause and, if granted, to cancel a Notice to End Tenancy for Cause.

Both parties participated in the conference call hearing. At the outset of the hearing the landlord orally requested an Order of Possession if the landlord's Notice was upheld or the tenant's application was dismissed.

### **Preliminary Matters**

#### **Tenant's application to extend the time allowed to make an application to cancel the Notice to End Tenancy**

A tenant's application for an extension of time to file an application to cancel a Notice to End Tenancy may be granted if the tenant has proof that there were serious and compelling reasons for not filing the application on time.

The landlord testified they issued the tenant the Notice to End on January 10, 2014 by posting it to the tenant's door. The tenant testified that they found the Notice to End attached to their door on January 12, 2014. The tenant testified that they read all of the Notice and the information for tenants receiving the Notice, and subsequently filed their application January 23, 2014. The tenant testified they later determined that they *read the Notice as allowing more time than permitted* to dispute the Notice. The tenant did not provide additional reasons.

Section 66 of the Act, in relevant parts, states as follows:

### **Director's orders: changing time limits**

66 (1) The director may extend a time limit established by this Act only in *exceptional circumstances*, other than as provided by section 59 (3) *[starting proceedings]* or 81 (4) *[decision on application for review]*.

and;

(3) The director must not extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice.

I find the tenant's reason for not filing their application within the prescribed time limits is not sufficiently compelling or sufficiently serious. The tenant has not provided evidence allowing an Arbitrator to extend the time to make this application. As a result, **I dismiss** the tenant's application for an extension of time; and as this application is dismissed the tenant's application to cancel the Notice to End for Cause will not be heard and is effectively **dismissed**, without leave to reapply.

### **Issues(s) to be Decided**

- Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

The landlord reiterated their request for an Order of Possession and further testified that the rent is current. The landlord still wanted to end the tenancy and asked for an Order of Possession effective March 31, 2014.

### **Analysis**

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, pursuant to the provisions of Section 55(1) of the Act, I hereby provide the landlord with an Order of Possession **effective 1:00 p.m., March 31, 2014.**

### **Conclusion**

The Tenant's application **is dismissed** in its entirety.

I hereby provide the landlord with an Order of Possession **effective 1:00 p.m., March 31, 2014.** This Order must be served on the Tenant and if necessary may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**This Decision is final and binding on both parties.**

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: March 11, 2014

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Residential Tenancy Branch

