



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This is an application to cancel a Notice to End Tenancy that was given for cause.

A small amount of 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

The issue is whether or not to cancel a Notice to End Tenancy that was given for cause.

### Background and Evidence

The tenant has admitted that he received a one month Notice to End Tenancy on February 4, 2014.

The tenant subsequently filed an application to dispute the Notice to End Tenancy on February 17, 2014.

### Analysis

Sections 47(4) & (5) of the Residential Tenancy Act state:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and

(b) must vacate the rental unit by that date.

In this case the tenants did not dispute the notice within the time required under the Residential Tenancy Act, and therefore they are conclusively presumed to have accepted the end of the tenancy and must vacate the rental unit.

I will not therefore be canceling this Notice to End Tenancy

### Conclusion

This application is dismissed without leave to reapply.

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: April 09, 2014

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Residential Tenancy Branch

