



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LICKMAN HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNL, MT

Introduction

This Application for Dispute Resolution by the tenant was seeking to cancel a Two Month Notice to End Tenancy for Landlord's Use. A copy of the Two-Month Notice to End Tenancy for Landlord's Use was submitted into evidence. The Notice is dated September 24, 2014 and the effective date shown is December 1, 2014.

Despite being served with the Notice of hearing in person at the landlord's business on December 21, 2014, the landlord did not appear.

Preliminary Matter: Request for Extended Time to File

The tenant has requested an extension of time to make the application disputing the 2-Month Notice to End Tenancy for Landlord's Use.

The tenant stated that he felt that his situation warranted an extension of the time limit for filing due to a medical condition that impaired the tenant's ability to file within the statutory deadline.

Section 49 (8) states that a tenant may dispute a notice under this section by making an application for dispute resolution within 15 days after the date the tenant receives the notice.

I find that the Two-Month Notice to End Tenancy for Landlord's Use is dated September 24, 2014 and, according to the tenant, he did not receive the Notice until October 1, 2014. I find that the tenant's application is dated December 19, 2014. Accordingly, I find that the tenant failed to make an application to cancel the Notice within the required statutory deadline.

Section 66 (1) gives a dispute resolution officer the authority to extend some time limits established by the Act in exceptional circumstances. However, the Act specifically

states in section 66(3) that the dispute resolution has no authority to 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.

In this instance I find that the effective date of the Two-Month Notice is December 1, 2014. I find that the tenant made the application to dispute the Notice on December 19, 2014. I find that this date falls AFTER the effective date of the Notice ending the tenancy.

Given the above, I find that I lack the statutory authority to extend the date permitting the tenant to dispute the notice beyond December 1, 2014. Therefore the tenant's request to be given an extension of the deadline to dispute the notice must be denied and the hearing cannot proceed.

Conclusion

The tenant's application to extend the deadline to dispute the landlord's 2-Month Notice to End Tenancy for Landlord's Use was not successful as the tenant did not make the application prior to the effective date ending the tenancy. As an arbitrator has no statutory jurisdiction to consider granting an extension if the applicant files beyond the effective date of the termination, the hearing did not proceed.

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: January 19, 2015

Residential Tenancy Branch

