



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding NORTH COUNTRY PROPERTIES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants to cancel a 1 Month Notice to End Tenancy for Cause, issued on November 26, 2014.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

### Preliminary issue

The tenants acknowledged that they received the notice to end tenancy on November 26, 2014, in person. The tenants had 10 days after receiving the notice to file their application for dispute resolution. I find the tenants had until December 6, 2014 to file their application, however, that date automatically extended to December 8, 2014, as December 6, 2014, was a Saturday and a day the Residential Tenancy Branch was not normally open.

In this case, the filed their application for dispute resolution on December 11, 2014, which is outside of the time limit allowed under the Act. The tenants did not make an application requesting an extension of time to make their application. Therefore, the tenants' application to cancel the notice to end tenancy cannot be considered. Therefore, I dismiss their application.

As the tenants' application is dismissed and the landlord requested an order of possession at the hearing, pursuant to section 55 of the Act, I must grant this request.

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 tenants' application, I find that the landlord is entitled to an order of possession. The landlord during the hearing agreed to extend the effective vacancy date to **January 31, 2015 at 1:00 P.M.** This order must be served on the tenant and may be filed in the Supreme Court.

### Conclusion

The tenants' did not file their application within the legislated time limit. The tenants' application is dismissed. The landlord was granted an order of possession.

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 14, 2015

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Residential Tenancy Branch

