



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MT; CNR

Introduction

This Hearing was convened to consider the Tenants' Application to be allowed more time to file an application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued February 1, 2015 (the "Notice"); and to cancel the Notice.

The hearing process was explained and the participants were asked if they had any questions. Both parties provided affirmed testimony at the Hearing.

The Tenant testified that he handed the Notice of Hearing documents to the Landlord on February 8, 2015. The Landlord's agent acknowledged receipt of the documents.

Preliminary Matters

The Tenants have applied for an extension of time to file their application to cancel the Notice. The Landlord's agent testified that the Tenants were served with the Notice on February 2, 2015, by hand.

Section 45 of the Act provides a time limit of 5 days after service of the Notice in order to file an application disputing the Notice. In this case, the Tenants filed their Application on February 6, 2015, which is within the prescribed time limit. Therefore, the Tenants' application for an extension of time is not required and this portion of their Application is dismissed.

Issues to be Decided

- Should the Notice be cancelled?

Background and Evidence

The Tenant acknowledged that rent is owed to the Landlord. He stated that he wished to come to an agreement with the Landlord for more time to pay the outstanding rent and for the tenancy to continue.

The Landlord's agent stated that the Landlord was unable to come to such an agreement with the Tenant because the Landlord was running into difficulties paying the mortgage due to the unpaid rent. The Landlord's agent requested an Order of Possession effective immediately.

Analysis

Based on the testimony of both parties, and on the provisions of Sections 46 and 52 of the Act, I find that the Notice is a valid notice to end the tenancy. Therefore, **the Tenants' application to cancel the Notice is dismissed.**

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlord with an Order of Possession effective two days after service of the Order upon the Tenants.

Conclusion

The Tenant's Application is **dismissed**.

I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenants**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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 03, 2015

Residential Tenancy Branch

