



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNR RR

Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy for unpaid rent, for an extension of time to make the application and for a reduction in rent. The tenant and the landlord called in to the teleconference hearing.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence regarding an extension of time. The tenant's application for a reduction in rent is dismissed with leave to reapply.

Preliminary Issues

Request for Adjournment

The tenant requested an adjournment because she was unable to travel to her advocate's office for the hearing, her advocate had all of the evidence, and the tenant had hoped to deal with everything together in another hearing scheduled for April 15, 2015. I informed the tenant that these were not sufficient reasons to adjourn her application, as her advocate could have called in on a separate line. Further, the landlord was prepared to respond to the tenant's application and may be prejudiced by a delay.

Notice to End Tenancy

The tenant did not submit a copy of the notice to end tenancy that she filed to dispute. The tenant's application was to dispute a notice to end tenancy for unpaid rent that she received on February 13, 2015. During the hearing the landlord stated that they did not serve the tenant with a notice to end tenancy for unpaid rent. The landlord has filed an application for an order of possession pursuant to a notice to end tenancy for cause that their application indicates they served on the tenant on February 13, 2015. It is therefore likely that the tenant was in fact applying to cancel a notice to end tenancy for cause, not a notice to end tenancy for unpaid rent. However, as the tenant's application was not made until March 2, 2015, she would have required an extension of time to

apply to cancel a notice to end tenancy for unpaid rent (five days to apply) or for cause (10 days to apply). I heard the tenant's evidence on why she was unable to apply on time, and I will make a determination on that issue below.

Extension of Time

The tenant stated that she did not apply on time because she has physical health issues that impede her mobility. The tenant also stated that her husband could not make the application because he has mental health issues, and neither of her roommates could make the application because one only has use of one arm and cannot write, and the other is uneducated, has mental health issues and is easily confused. The tenant later stated that at the time she received the notice, she was battling a cold and the flu.

I find that the tenant has not provided sufficient evidence for an extension of time to make her application. The tenant did not provide medical or other evidence to establish that, at the time of receiving the notice, she or any of the other tenants were hospitalized or otherwise so incapacitated as to be unable to make the application. I therefore decline to grant an extension of time.

Conclusion

I dismiss without leave the portions of the tenant's application regarding an extension of time and cancellation of the notice to end tenancy that the tenant received on February 13, 2015.

The application for a reduction in rent is dismissed with 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 1, 2015

Residential Tenancy Branch