



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 583230 BC Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MT; CNC

Introduction

This Hearing was convened to consider the Tenant's Application for Dispute Resolution seeking an extension of time to file his Application to cancel a One Notice to End Tenancy for Cause issued June 16, 2015 (the "Notice"); and to cancel the Notice.

The parties gave affirmed testimony at the Hearing.

Preliminary Matters

At the outset of the Hearing, the Tenant's Application was amended to reflect the correct spelling of the Landlord AK's last name.

I explained to the parties that before I hear testimony with respect to the Tenant's application to cancel the Notice, I must first determine his application for an extension of time to file his Application.

The Tenant was served with the Notice by registered mail sent June 24, 2015. The Landlords provided a copy of the registered mail receipt and tracking number in evidence. The Tenant testified that he received the Notice on July 8, 2015.

The Tenant testified that he had "no reason" for not filing his Application within 10 days after receipt of the Notice, as is required under Section 47 of the Act.

The Notice also indicates, in part, on page two:

"You have the right to dispute this Notice within 10 days after you receive it by filing an Application for Dispute Resolution at the Residential Tenancy Branch. A Dispute Resolution Officer may extend your time to file an application, but only if he or she accepts your proof that you had a serious and compelling reason for not filing the Application on time.

If you do not file an Application within 10 days, you are presumed to accept this Notice and must move out of the rental unit."

Section 66(1) of the Act provides that I may extend a time limit established by the Act only in exceptional circumstances. An example of an exceptional circumstance would be if the Tenant were in hospital at all material times and was unable to file his Application sooner. In this event, the Tenant would be expected to provide documentary evidence from the hospital confirming the dates of his hospitalization and confirming that the Tenant's condition prevented him from contacting another person to file an Application on his behalf.

In this case, I find that the Tenant had no exceptional circumstance for not filing his application on time and therefore his application for an extension of time is dismissed. Therefore, his application to cancel the Notice is also dismissed.

The Landlords asked for an Order of Possession effective October 15, 2015.

Section 55(1) of the Act provides that I must grant the Landlords an Order of Possession if the Landlords make an oral request for an Order of Possession and the Tenant's application to cancel the Notice is dismissed. Therefore, I hereby provide the Landlords with an Order of Possession effective 1:00 p.m., October 15, 2015.

Conclusion

The Tenant's application is **dismissed** in its entirety.

I hereby grant the Landlords an Order of Possession **effective 1:00 p.m., October 15, 2015**, for service upon the Tenant. 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: September 24, 2015

Residential Tenancy Branch

