



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR MNDC OPR OPC MND MNR MNSD MNDC

Introduction

This hearing convened pursuant to applications by the tenant and the landlord. The tenant, an advocate for the tenant and both landlords participated in the teleconference hearing.

Preliminary Issues

Landlord's Application

The landlord stated that they were unable to serve their application on the tenant. The landlord's application is therefore dismissed with leave to reapply.

Tenant's Application

I informed the parties in the hearing that the issue of the potential notice to end tenancy would take precedence. I will address the remainder of the tenant's application in the conclusion of my decision.

On July 14, 2015 the tenant applied to cancel two notices to end tenancy. The tenant confirmed in the hearing that she received the notice to end tenancy for cause on June 8, 2015. The tenant's submission regarding her late application was that it was medically related, as she suffers from Crohn's and because of stress from the tenancy there were times that she could not leave her home. I asked the tenant whether there were any specific incidents that occurred between June 8, 2015 and June 18, 2015 that prevented her from filing her application in time. The tenant provided evidence that she was in the hospital on June 28, 2015 to around July 1, 2015.

I informed the tenant that I did not find that there were extraordinary circumstances that prevented her from making her application in time, and I therefore dismissed her application to cancel the notice to end tenancy for cause dated June 8, 2015.

In the hearing the landlord orally requested an order of possession, and stated that they would be willing to have the effective date of the order set for September 30, 2015. Accordingly, I grant the landlord an order of possession effective September 30, 2015.

Conclusion

The landlord's application is dismissed with leave to reapply.

The tenant's application to cancel the notice to end tenancy for cause is dismissed. As the tenancy is ending pursuant to the notice for cause, it was not necessary for me to consider the tenant's application to cancel the notice to end tenancy for unpaid rent. The tenant's monetary application is dismissed with leave to reapply.

I grant the landlord an order of possession effective September 30, 2015. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the 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 16, 2015

Residential Tenancy Branch

