



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act, (the “Act”), to cancel a 1 Month Notice to End Tenancy for Cause (the “Notice”), issued on September 14, 2015

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 matter.

The first matter that must be determined is whether or not the tenant filed their application for dispute resolution within the required time limit permitted under the Act.

Under section 47(4) of the Act, a tenant may dispute a notice under this section by making an application for dispute resolution **within 10 days after the date the tenant receives the notice.**

[My emphasis added.]

In this case, the tenant acknowledged that they received the Notice on September 22, 2015. I find the last day the tenant had to dispute the Notice was October 2, 2015. The tenant filed an application to dispute the Notice on October 9, 2015, which is outside of the time limit allowable under the Act. The tenant did not make an application requesting an extension of time to make this application. Therefore, the tenant's application to cancel the Notice is dismissed.

As the tenant's 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 tenant's application, I find that the landlord is entitled to an order of possession.

During the hearing the tenant requested an extension to the effective vacancy date. The landlord agreed to extend the effective vacancy date to March 31, 2016.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, on the extended effective date of **March 31, 2016 at 1:00 pm**. A copy of this order must be served on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession on the above noted date.

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: December 11, 2015

Residential Tenancy Branch

