



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

CNR

### **Introduction**

This hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenant has applied to cancel a 10 day Notice to end tenancy for unpaid rent issued on March 8, 2016.

This matter was set for hearing at 10:30 a.m. on this date. By 10:40 a.m. neither party had attended the hearing.

Residential Tenancy Branch Rules of Procedure provides:

#### ***7.1 Commencement of the dispute resolution hearing***

*The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.*

#### ***7.3 Consequences of not attending the hearing***

*If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.*

The Notice ending tenancy has an effective date of March 19, 2016.

Sec 66(3) of the Act provides:

#### ***Director's orders: changing time limits***

- 66** (1) *The director may extend a time limit established by this Act only in exceptional circumstances, other than as provided by section 59 (3) [starting proceedings] or 81 (4) [decision on application for review].*  
(2) *Despite subsection (1), the director may extend the time limit established by section 46 (4) (a) [landlord's notice: non-payment of*

*rent] for a tenant to pay overdue rent only in one of the following circumstances:*

- (a) the extension is agreed to by the landlord;*
- (b) the tenant has deducted the unpaid amount because the tenant believed that the deduction was allowed for emergency repairs or under an order of the director.*

***(3) The director must not extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice.***

(Emphasis added)

Therefore; in the absence of an appearance of either party by 10:40 a.m. this application is abandoned and dismissed. The effective date of the Notice has passed and the time limit to apply to dispute the Notice cannot be extended beyond that effective date.

#### Conclusion

The application is dismissed.

This decision is final and binding and 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 25, 2016

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Residential Tenancy Branch