



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PREHOFER CONSTRUCTION LTD. & PETER RYAN
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes Tenant CNC
 Landlord OPC, OPB, FF

Preliminary matters

At the start of the conference call it was noted that the Tenant's application did not meet the time requirements of the Act to dispute a 1 Month Notice to End Tenancy for Cause. The 1 Month Notice to End Tenancy for Cause is dated April 21, 2016 and was received by the Tenant on April 21, 2016. Under the Act a tenant has 10 days after receiving a 1 Month Notice to End Tenancy for Cause to make an application to dispute the Notice. In this case the Tenant's application should have been made by May 1, 2016. The Tenant filed her application to dispute the Notice on May 11, 2016. This is 10 days after the filing dead line. On page two of the Notice to End Tenancy it states that if the tenant does not filing within the 10 day time limit the tenant is presumed to have accepted the tenancy has ended and the tenant has to move out on the effective vacancy date on the Notice. Further page two of the Notice says the Arbitrator can extend the time for a tenant to make the application if there is a serious and compelling reason for not filing the application on time. The Tenant said she did not know where to file her application and she did not understand the process to file an application. I find the Tenant's reasons for late filing are not seriously compelling reasons for late filing; therefore I dismiss the Tenant's application to dispute the Notice to End Tenancy for Cause dated April 21, 2016 due to late filing of her application.

The 1 Month Notice to End Tenancy for Cause dated April 21, 2016 is valid and in full effect.

Further as the Tenant was unsuccessful in canceling the Notice to End Tenancy, I find pursuant to s. 55 (2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect at 2 days after service of the Order on the Tenant.

As the Landlord has been successful in this matter I order the Landlord to recover the filing fee of \$100.00 by retaining \$100.00 of the Tenant's security deposit at the end of the tenancy.

Conclusion

An Order of Possession effective 2 days after service of it on the Tenant has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia.

The Tenant's application is dismissed without leave to reapply due to late filing.

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: June 14, 2016

Residential Tenancy Branch