



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MT CNC

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, received at the Residential Tenancy Branch on June 7, 2016, and updated on June 13, 2016 (the "Application").

The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"): an order granting more time to make an application to cancel a notice to end tenancy; and an order cancelling a 1 Month Notice to End Tenancy for Cause, dated May 18, 2016 (the "1 Month Notice").

The Tenant attended the hearing on her own behalf. The Landlord was represented at the hearing by D.S. Both provided their solemn affirmation.

No issues were raised with respect to the documentary evidence submitted by the parties.

The parties were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all evidence and testimony before me that met the requirements of the Rules of Procedure; however, I refer to only the relevant facts and issues in this Decision.

Preliminary and Procedural Matters

The Tenant has used an acronym for the name of the Landlord. Accordingly, pursuant to section 64 of the *Act*, and with the agreement of the parties, I amend the Application to state the full name of the Landlord.

On receipt of a notice to end tenancy pursuant to section 47 of the *Act*, a tenant has 10 days to make an application for dispute resolution to dispute the notice. Failing to do so results in a conclusive presumption the tenant has accepted the tenancy ends on the effective date of the notice.

The Tenant's Application confirms the 1 Month Notice issued by the Landlord was received by the Tenant on May 18, 2016. Accordingly, the Tenant had until May 28, 2016, to dispute the 1

Month Notice. However, as that date fell on a weekend, the Tenant had until May 30, 2016, the next business day, to file her Application.

The Tenant did not file her Application until June 7, 2016.

The Tenant has requested more time to make her application for dispute resolution, pursuant to section 66 of the *Act*. This provision permits me to extend a time limit established by the *Act* in “exceptional circumstances”.

The Tenant testified that she needs more time to make arrangements to move her belongings and to confirm funding. I find these are not exceptional circumstances sufficient to justify an extension of the time limit to file the Tenant’s Application.

Accordingly, the Tenant’s Application is dismissed.

When a tenant’s application to cancel a notice to end tenancy is dismissed, section 55 of the *Act* requires that I issue an order of possession in favour of the Landlord if the notice complies with section 52 of the *Act*. Having reviewed the 1 Month Notice, I find it complies with section 52 of the *Act*.

Accordingly, I grant the Landlord an order of possession, which will be effective two (2) days after service on the Tenant.

Conclusion

The Tenant’s Application is dismissed.

By operation of section 55 of the *Act*, the Landlord is granted an order of possession, which will be effective two (2) days after service on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

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: July 12, 2016

Residential Tenancy Branch