



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes CNC MT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a 1 Month Notice to End Tenancy For Cause, pursuant to section 47;
- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 66;

The hearing was conducted by conference call. The landlord and a representative for the tenant attended the hearing. The tenant did not attend the hearing and the tenant's representative advised he was unable to locate the tenant.

Issues

Should the tenant's request for more time to make an application to cancel the 1 Month Notice be granted? Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on February 1, 2013 with a monthly rent of \$850.00 payable on the 1st day of each month. The tenant paid a security deposit of \$425.00 at the start of the tenancy.

The landlord testified that on May 25, 2016 he served the tenant with the 1 Month Notice by posting a copy to the door of the rental unit. The landlord testified that on May 26, 2016 he confirmed with the tenant that he had received the 1 Month Notice.

The tenant application to cancel the 1 Month Notice was filed on June 8, 2016

.

Analysis

Pursuant to section 66 of the Act, the director may extend a time limit established by this Act only in exceptional circumstances. The tenant did not attend the hearing or provide any evidence in support of his application to extend a time limit established under the Act.

The tenant's request to extend a time limit to file an application is dismissed.

I accept the landlord's testimony and I am satisfied that the tenant received the 1 Month Notice on May 26, 2016.

Pursuant to section 47(4) of the Act, the tenant may make a dispute application within ten days of receiving the 1 Month Notice. As the tenant was served the 1 Month Notice on May 26, 2016, the tenant's application should have been filed on or before June 6, 2016, which is the first business day after the 10 day time period. The tenant's application was not filed until June 8, 2016. In accordance with section 47(5) of the Act, the tenant's failure to take this action within ten days led to the end of his tenancy on the effective date of the notice. In this case, the effective date of the 1 Month Notice is June 30, 2016. The tenant has paid his rent for the month of July 2016 and the landlord agreed to extend the effective date of the 1 Month Notice to July 31, 2016.

The tenant's application to cancel the 1 Month Notice is dismissed and the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **July 31, 2016**. Should the tenant(s) fail to comply with this Order, this Order may be filed 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