



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR, MNDC, MNSD, OLC, ERP, LRE, FF

Introduction

This hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenants have applied to cancel a 10 day Notice to end tenancy for unpaid rent issued on August 3, 2016, compensation for the cost of emergency repairs, return of the deposit, an order the landlord comply with the Act and make emergency repairs, that conditions be placed on the landlord's' right to enter the rental unit and to recover the filing fee from the for the cost of this Application for Dispute Resolution.

This matter was set for hearing at 9:00 a.m. on this date.

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.

In the absence of an appearance of either party by 9:11 a.m. this application is abandoned.

Section 66 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.

Therefore, I find that the application to cancel the Notice ending tenancy is dismissed as the effective date of the Notice; August 15, 2016 has passed.

The balance of the application is dismissed with leave to reapply.

Conclusion

The application to cancel the Notice ending tenancy issued on August 3, 2016 is dismissed.

The balance of the application is dismissed with leave to reapply.

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: September 26, 2016

Residential Tenancy Branch