



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY COPR
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNC

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the tenant to allow a tenant more time to make an application to cancel a Notice to End Tenancy and to cancel a 1 Month Notice to End Tenancy for Caused, issued on July 27, 2016.

Both parties appeared.

Preliminary Issue

The tenant acknowledged that they received the 1 Month Notice to End Tenancy for Cause, on July 28, 2016. Under the provisions of the Act the tenant had ten days to file an application for dispute resolution. The tenant's application was filed on August 25, 2016, which is outside the time permitted under the Act. The tenant has requested to be allow more time to make an application to cancel a notice to end tenancy.

Under section 66(1) of the Residential Tenancy Act, an extension of time can only be granted where the applicant has established that there are exception circumstances.

The tenant stated that they were hopeful to resolve the problem with the landlords. The landlord stated that the tenant was not told that they would consider reinstating the tenancy.

Based on the above, I find the tenant did not take reasonable and appropriate steps to comply with the relevant time limit, and the tenant has failed to prove that an exceptional circumstance, such as a medical emergency, that prevented them from filing their application on time. Therefore, I dismiss the tenant's application to allow a tenant more time to make an application to cancel a notice to end tenancy.

As I have dismissed the tenant's application, I find the landlords are entitled to an order of possession pursuant to section 55 of the Act.

Since the tenant has paid occupancy rent for October 2016, I find the landlords are entitled to an order of possession effective **October 31, 2016 at 1:00pm**. However, the landlords have agreed not to enforce the order on that date to give the tenant more time to find new rental accommodation. The landlords agreed that if occupancy rent for November 1, 2016, is paid on or before November 1, 2016, they will not enforce the order of possession until November 30 2016. This does not reinstate the tenancy.

Conclusion

The tenant failed to dispute the notice to end tenancy within the required time. The tenant's application to allow more time to dispute the notice to end tenancy is dismissed.

The landlord is granted an order of possession.

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: October 18, 2016

Residential Tenancy Branch

