



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction

This is an application brought by the tenant requesting an Order canceling a Notice to End Tenancy that was given for cause, and requesting an Order for more time to file such an application.

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All parties were affirmed.

Issue(s) to be Decided

The issues are whether or not to grant the applicant more time to file for dispute resolution application, and whether or not to cancel the Notice to End Tenancy that was given for cause.

Background and Evidence

This tenancy began on January 1, 2016 with a monthly rent of \$600.00, due on the first of each month.

On July 31, 2016 the tenant was personally served with a one-month Notice to End Tenancy for cause.

On August 15, 2016 the tenant filed an application to dispute of the Notice to End Tenancy.

I dealt first with the request for an Order to allow the tenant more time to make the application to cancel the Notice to End Tenancy, and the tenant testified that she thought she had applied within the time limit.

The tenant further testified that she did not know she had to apply within 10 days and it was her understanding that when she applied 15 days after receiving the notice she had done so within the proper time limits.

Analysis

Sections 47(4) & 47(5) of the Residential Tenancy Act state:

(4) A tenant may dispute a notice under this section by making an application for dispute resolution within 10 days after the date the tenant receives the notice.

(5) If a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (4), the tenant

(a) is **conclusively presumed to have accepted that the tenancy** ends on the effective date of the notice, and

(b) **must vacate** the rental unit by that date.

(My emphasis in bold)

In this case, the tenant has supplied no reasonable reason why she did not apply within the 10 day time limit, other than to state that she thought she had applied within the time limit. I do not find that excuse reasonable as the Notice to End Tenancy clearly states, under the information for tenants, that she must apply within 10 days.

It's my decision therefore that I'm not willing to grant an extension of time for the tenant to file her application to dispute the Notice to End Tenancy, and therefore this tenancy ends pursuant to that notice.

Conclusion

This application is dismissed in full without leave to reapply, and I have issued an Order of Possession to the landlord for 1:00 p.m. on November 1, 2016.

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 12, 2016

Residential Tenancy Branch