



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC

Introduction

This hearing dealt with two Applications for Dispute Resolution by the tenant.

The first application was filed on September 15, 2016, to cancel a 1 Month Notice to End Tenancy (the "Notice") issued on September 2, 2016.

The second application was filed on September 20, 2016, to allow a tenant more time to make an application to cancel a notice to end tenancy.

Both parties appeared.

Procedural matter

The first issue that I must determine is whether to grant the tenant more time to make an application to cancel a notice to end tenancy.

The tenant submits that they received the Notice on September 2, 2016, the tenant had 10 days after receiving the Notice to file a dispute. I find the tenant had until September 12, 2016, to submit their application to cancel the Notice.

The tenant application was filed on September 15, 2016, which is outside of the time limit allowable under the Act.

The support worker stated that they met with the tenant on September 9, 2016, to complete the application. The support worker stated that they then mailed the application.

The landlord stated that the application was not filed within the time limits and do not agree to allow more time as they have already been looking for a new renter.

Section 66 (1) of the Act, the director may extend a time limit established by this Act only in exceptional circumstances.

In this case, the tenant received the Notice on September 2, 2016, the tenant did not attend the support workers office until Friday, September 9, 2016 to complete their application, which is seven days after they received the Notice. The tenant's application was then mailed and not received by the branch until Thursday, September 15, 2016.

I find the tenant has not provided any exceptional circumstance for the following reasons. Firstly the tenant did not take reasonable and appropriate steps as they waited 7 days to complete their application. Had the tenant completed their application early it likely would have been received by the statutory time limit, which was Monday, September 12 2016.

Further, I find it unreasonable to mail the application on Friday, September 9, 2016, and expect it to be filed by the following Monday.

I find the tenant has failed to prove an exceptional circumstance occurred, during this time period, such as a medical emergency, that prevented them from filing their application on time. Therefore, I decline to grant the tenant more time to make an application to cancel the notice. The tenant's application is dismissed.

As I have dismissed the tenant's application, I must grant the landlord an order of possession, pursuant to section 55 of the Act. As the landlord has accepted occupancy rent for the month of November 2016, I find it appropriate to extend the effective date of the Notice to November 30, 2016.

I find that the landlord is entitled to an order of possession effective **November 30, 2016, at 1:00 P.M.**

This order must be served on the tenant and may be filed in the Supreme Court.

Conclusion

The tenant's application to be allowed more time to make an application to cancel a 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: November 16, 2016

Residential Tenancy Branch

