



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KARMA ENTERPRISES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MT, CNC, FF

### Introduction

This matter dealt with an application by the Tenant for more time to make the application, to cancel a Notice to End Tenancy for Cause and to recover the filing fee for this proceeding.

At the start of the conference call it was noted that the Tenant's application did not meet the time requirements of the Act to dispute a Notice to End Tenancy. The 1 Month Notice to End Tenancy for Cause dated March 28, 2017 was received by the Tenant on in person on March 28, 2017. Under the Act a tenant has 10 days from receiving a Notice to End Tenancy to make an application to dispute the Notice. In this case the application should have been made by April 7, 2017. The Tenant filed her application to dispute the Notice on April 25, 2017. This is 18 days after the filing dead line. On page two of the Notice to End Tenancy it states that if the tenant does not filing within the 10 day time limit the tenant is presumed to have accepted the tenancy has ended and the tenant has to move out on the effective vacancy date on the Notice. The effective vacancy date on the Notice is May 1, 2017. Further page two of the Notice says the Arbitrator can extend the time for a tenant to make the application if there is a serious and compelling reason for not filing the application on time. The Tenant's advocate said the Tenant has health issues that prevented the Tenant from filing on time because she did not understand the Notice and then she lost the Notice. The Landlord said he advised the Tenant's Social worker on March 30, 2017 by email (included in the evidence package) about the Notice to End Tenancy so the Tenant and the Tenant's social worker were clear on what the Notice meant. The Landlord said the Tenant agreed to move out of the rental unit on April 30, 2017. The social worker D.J. said he did not understand the Notice to End Tenancy and so he sent it to a legal advocate which took time and resulted in the late filing. The Tenant asked to have more time to make the application to dispute the Notice. I find the Tenant's and the Tenant's social worker's reasons of losing the Notice and not understanding the Notice to End Tenancy resulting in late filing do not meet the level of seriousness and are not a compelling reason for late filing; therefore I dismiss the Tenant's application to dispute the Notice to End Tenancy for Cause dated March 28, 2015 due to late filing of her application.

The Notice to End Tenancy for Cause dated March 28, 2017 is valid and in full effect and I grant the Landlords an Order of Possession effective on June 30, 2017 as the Landlord requested.

### Conclusion

The Tenant's application is dismissed without leave to reapply.

An Order of Possession effective 1:00 p.m. June 30, 2017 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced in 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 *Manufactured Home Park Tenancy Act*.

Dated: May 29, 2017

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Residential Tenancy Branch