



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, O

### Introduction

This matter dealt with an application by the Tenant to cancel a 1 Month Notice to End Tenancy for Cause and for other considerations.

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 1 Month Notice to End Tenancy for Cause. The Landlord said the 1 Month Notice to End Tenancy for Cause dated April 28, 2017 was received by the Tenant by personal delivery on April 28, 2017. The Tenant said she thought she received the Notice to End Tenancy on April 29, 2017. Under the Act a tenant has 10 days from receiving a Notice to End Tenancy to make an application to dispute the Notice to End Tenancy. In this case the application should have been made by May 7 or May 8, 2017. The Tenant filed her application to dispute the Notice on May 9, 2017. This is 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 this Notice to End Tenancy is May 31, 2017. Further page two of the Notice says the Arbitrator can extend the time for a tenant who applies for an extension of time to make the application if there is a serious and compelling reason for not filing the application on time. The Tenant has not filed an application for more time to make the application; therefore the Tenant's application does not meet the time limits of section 47 (4) of the Act. Consequently I dismiss the Tenant's application to dispute the 1 Month Notice to End Tenancy for Cause dated April 28, 2017 due to late filing of the Tenant's application.

The 1 Month Notice to End Tenancy for Cause dated April 28, 2017 is valid and in full effect. I grant the Landlord an Order of Possession effective 2 days after service of the Order on the Tenant as the effective vacancy date on the 1 Month Notice to End Tenancy for Cause of May 31, 2017 is past.

Conclusion

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

An Order of Possession effective 2 days after service on the Tenant 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 *Residential Tenancy Act*.

Dated: June 27, 2017

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Residential Tenancy Branch