



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes CNC MT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause pursuant to section 66;
- cancellation of a 1 Month Notice to End Tenancy For Cause, pursuant to section 47;

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions.

Issues

Should the tenant's request for more time to make an application to cancel the 1 Month Notice be granted? Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on June 1, 2016 with a monthly rent of \$510.00 payable on the 1st day of each month. The landlord testified that on April 6, 2017 the tenant was personally served with the 1 Month Notice to End Tenancy. The tenant acknowledged receiving the Notice on this date.

The tenant's application to cancel the 1 Month Notice was filed on May 19, 2017. The tenant testified that she was late in making her application as she was helping out a friend trying to get her off drugs and help her not get evicted. And she also had to deal with her own kids being taken away by Social Services.

Analysis

Pursuant to section 66 of the Act, the director may extend a time limit established by this Act only in exceptional circumstances.

The tenant's request to extend a time limit to file an application is dismissed as the reasons provided by the tenant for filing late are not exceptional circumstances.

Pursuant to section 47(4) of the Act, the tenant may make a dispute application within ten days of receiving the 1 Month Notice. As the tenant received the 1 Month Notice on April 6, 2017, the tenant's application should have been filed on or before April 16, 2017. The tenant's application was not filed until May 19, 2017. In accordance with section 47(5) of the Act, as the tenant failed to take this action within ten days, the tenant is conclusively presumed to have accepted the tenancy ends on the effective date of the 1 Month Notice, May 31, 2017.

The tenant's application to cancel the 1 Month Notice is dismissed and the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of 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: July 01, 2017

Residential Tenancy Branch