



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to be allowed more time to make and application to cancel a notice to end tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid rent.

Both parties appeared.

Preliminary matter

The first matter for me to consider is whether tenant should be allowed more time to make and application to dispute a notice to end tenancy.

Under section 66(1) of the Act, an extension of time can only be granted where the applicant has established that there are exceptional circumstances.

At the hearing the tenant was unable to provide any reasonable reason explanation why they could not make their application on time.

I find that the tenant has failed to prove that exceptional circumstances, such as hospitalization, that prevented them from filing their application for dispute resolution within the prescribed time limit and I therefore dismiss the application.

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have reviewed the notice to end tenancy, I find the form, and content of the notice to end tenancy complies with section 52 of the Act.

Since I have dismissed the tenant's application, I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The tenant's application to be allowed more time to dispute a notice to end tenancy is dismissed. The landlord is entitled to 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: July 19, 2017

Residential Tenancy Branch