



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the Residential Tenancy Act (the “Act”), to cancel 1 Month Notice to End Tenancy for Cause, (the “Notice”) issued on October 12, 2017.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Preliminary and procedural matter

Sections 47(4) of the Act, the tenants have 10 days after the date the Notice was received to file an application for dispute resolution.

The tenants testified that they received the Notice on October 12, 2017. The tenants had 10 days after receiving the Notice to file an application for dispute resolution. I find the tenants had until October 22, 2017, to submit their application.

The tenants filed their application for a dispute resolution on November 3, 2017, which is outside of the time limit allowable under the Act. I find the tenants are conclusively presumed to have accepted that the tenancy ends on the effective date stated in the Notice. Therefore, I dismiss the tenants’ application to cancel the Notice. I find the tenants are Overholding the premises.

As the landlords have accepted occupancy rent for the month of January 2018, I find it appropriate to extend the effective vacancy date to January 31, 2018, pursuant to section 66 of the Act.

Since I have dismissed the tenants’ application, I find that the landlords are entitled to an order of possession effective **January 31, 2018, at 1:00 P.M.** This order must be

served on the tenants and may be filed in the Supreme Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenants.

Conclusion

The tenants' application to cancel the Notice, issued on October 12, 2017, is dismissed. The landlords are 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: January 21, 2018

Residential Tenancy Branch