



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute codes      CNC MT LAT AS FF

### 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 One Month Notice to End Tenancy for Cause pursuant to section 66;
- cancellation of a One Month Notice to End Tenancy For Cause, pursuant to section 47;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- an order allowing the tenant to assign or sublet because the landlord's permission has been unreasonably withheld pursuant to section 65;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

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 One Month Notice be granted? Should the landlord's One Month Notice be cancelled? If not, is the landlord entitled to an order of possession?

### Background and Evidence

The tenancy began on December 9, 2017 with a monthly rent of \$800.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on April 15, 2018 he personally served the tenant with the One Month Notice to End Tenancy. The tenant acknowledged receiving the Notice on this date.

The tenant's application to cancel the One Month Notice was filed on April 26, 2018. The tenant testified that she did not have the money to file an application within the 10 Day deadline which in this case would have been before April 25, 2018.

### 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 testimony that she did not have the money to make the application within the deadline is not an exceptional circumstance.

The tenant's request to extend a time limit to file this application is dismissed.

Pursuant to section 47(4) of the Act, the tenant may make a dispute application within ten days of receiving the One Month Notice. As the tenant received the One Month Notice on April 15, 2018, the tenant's application should have been filed on or before April 25, 2018. The tenant's application was not filed until April 26, 2018.

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 "corrected" effective date of the One Month Notice, May 30, 2018.

The tenant's application to cancel the One Month Notice is dismissed. I find that the One Month Notice complies with the requirements of Section 52 of the Act, accordingly, the landlord is granted an Order of Possession pursuant to section 55 of the Act.

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As this tenancy has come to an end, the tenant's application to assign or sublet the rental unit and to set conditions on the landlord's right to enter is also dismissed.

As the tenant was not successful in this application, I find that the tenant is not entitled to recover the \$100.00 filing fee paid for this application from the landlord.

### 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: June 20, 2018

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Residential Tenancy Branch