



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NANAIMO F.O.S. NON-PROFIT HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the “Act”), to cancel Four Month Notice to End Tenancy for Landlord’s Use of Property (the “Notice”) issued on February 10, 2019.

Both parties appeared.

Preliminary and procedural matters

The first issue that I must determine is whether the tenant made their application within the statutory time limits as set out in section 49(8)(b) of the Act.

The tenant acknowledged that they received the Notice on February 10, 2019. Under the Act the tenant had to make their application for dispute resolution within 30 days after the date the tenant receives the notice. I find the last day possible for the tenant to make their application for dispute resolution was March 12, 2019.

Under section 49(9) of the Act states, a tenant who has received a notice under this section does not make an application for dispute resolution in accordance with subsection (8), the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date.

In this case, the tenant’s application for dispute resolution was filed on March 15, 2019, which is outside the statutory time limit. The tenant did not apply to be allowed more time to make an application for dispute resolution to cancel a notice to end tenancy, which is only granted on exceptional circumstances, such as hospitalization.

Based on the above, I find the tenant's application to cancel the Notice must be dismissed.

Since I have dismissed the tenant's application, I find that the landlord is entitled to an order of possession effective **June 30, 2019, at 1:00 P.M.** This order must be served on the tenant and may be filed in the Supreme Court.

Conclusion

The tenant's application to cancel the Notice, issued on February 10, 2019 is dismissed. The landlord is 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: May 09, 2019

Residential Tenancy Branch