



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COQUIHALLA INTERCARE SOCIETY and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNC

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the tenant on July 22, 2019, to ask for more time to dispute a notice to end tenancy and to cancel a One Month Notice to End Tenancy for Cause (the "Notice"), issued on May 29, 2019, with an effective vacancy date of June 30, 2019.

Both parties appeared

Issue(s) to be Decided

Should the tenant be allowed more time to dispute a notice to end tenancy?
Should the Notice be cancelled?

Background and Evidence

The tenant received the Notice in person on May 29, 2019. The tenant did not dispute the Notice until July 22, 2019, after the effective date of the Notice of June 30, 2019.

The tenant's daughter stated that due to their father disabilities, and wrong information given to him, it was not until July 22, 2019, that they made the application.

Filed in evidence is a copy of the Notice.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Director's orders: changing time limits

66 (1)The director may extend a time limit established by this Act only in exceptional circumstances, other than as provided by section 59

(3) [*starting proceedings*] or 81 (4) [*decision on application for review*].

(2)Despite subsection (1), the director may extend the time limit established by section 46 (4) (a) [*landlord's notice: non-payment of rent*] for a tenant to pay overdue rent only in one of the following circumstances:

(a)the extension is agreed to by the landlord;

(b)the tenant has deducted the unpaid amount because the tenant believed that the deduction was allowed for emergency repairs or under an order of the director.

(3)The director must not extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice.

While I accept that the tenant has disabilities, I find I must not consider the tenant's application to extend the time limit to make an application to dispute a notice to end tenancy, as the tenant's application was filed on July 22, 2019, which is beyond the effective date of the Notice. The Act does not give me any discretion on this issue. Therefore, I must dismiss the tenant's application.

Since, I have dismissed the tenant's application and the Notice complies with the statutory requirements under the Act, 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 was filed after the effective date of the Notice. The tenant's application 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: September 23, 2019

Residential Tenancy Branch