



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      CNC OLC LRE

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a One Month Notice to End Tenancy For Cause, pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- 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.

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. No issues were raised with respect to the service of the application and evidence on file.

### Issues

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

Should the landlord be ordered to comply with the Act and the landlord's right to enter the unit be restricted?

### Background and Evidence

The tenancy began on August 1, 2011. The current monthly rent is \$780.00 payable on the 1<sup>st</sup> day of each month.

The landlord testified that on August 25, 2019 the tenant was served with the One Month Notice by posting a copy to the door of the rental premises. The tenant acknowledged receiving the Notice on August 25, 2019 and the tenant's application also indicated the Notice was received on this date.

The tenant's application to cancel the One Month Notice was filed on September 6, 2019. The tenant did not make an application to extend a time limit established under the Act to file such a dispute.

### Analysis

I am satisfied that the tenant received the One Month Notice on August 25, 2019 as acknowledged and confirmed by the parties.

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 August 25, 2019, the tenant's application should have been filed on or before September 4, 2019. The tenant's application was not filed until September 6, 2019.

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 effective date of the One Month Notice, September 30, 2019.

Pursuant to section 66 of the *Act*, the director may extend a time limit established by this Act only in exceptional circumstances. The tenant did not apply to extend the time limit to file this application nor did the tenant provide any evidence in support of why she was not able to meet the time limit established under the Act.

The tenant's application to cancel the One Month Notice is dismissed without leave to reapply. 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.

As the tenancy has ended, the remainder of the issues identified in the tenant's application are moot and dismissed without leave to reapply.

### 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: October 29, 2019

---

Residential Tenancy Branch