



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed on September 20, 2021, to be allowed more time to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), issued and received on September 7, 2021, with an effective vacancy date of September 17, 2021.

Only the tenant appeared. As the landlord did not attend the hearing, service of the Notice of Dispute Resolution Hearing was considered.

The Residential Tenancy Branch Rules of Procedure states that the respondent **must** be served with a copy of the Application for Dispute Resolution and Notice of Hearing.

The tenant was unable to provide the date of service. Therefore, I find I am not satisfied the landlord was serviced in accordance with the Act.

Further, I find I have no authority under the Act to grant the tenant more time to dispute the Notice as the tenant filed their application for dispute resolution on September 20, 2021, which is after the effective date of the Notice, of September 17, 2021. Section 66(3) of the Act states 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.**

Furthermore, the tenant is no longer living in the premises.

Based on the above, I dismiss the tenant’s application without leave to reapply. I have not granted the tenant the cost of the filing fee, as the tenant’s application would have failed based on section 66 of the Act. I have not granted an order of possession to the landlord as required by section 55 of the Act, as the landlord has possession of the

premises. I have not considered section 55(1.1) of the Act, as I have no evidence if there was unpaid rent at the hearing.

I should note that **the tenant was hostile, rude, and would overtalk me** when I was simply trying to get information needed to proceed with their application, such to determine the service requirements under section 89 of the Act, or when I was attempting to explain the provision of 66 of the Act.

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: February 04, 2022

Residential Tenancy Branch