



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC-MT, OLC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the “Act”) to be allowed more time to dispute a One Month Notice to End Tenancy for Cause, (the “Notice”) issued on October 31, 2022, and to have the landlord comply with the Act.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions at the hearing.

Issue(s) to be Decided

Should the tenant be allowed more time to dispute the Notice?
Should the landlord be ordered to comply with the Act?

Background and Evidence

The tenant testified that they received the Notice on October 31, 2022. The tenant acknowledged they did not dispute the Notice until December 5, 2022.

The landlord stated that the tenant’s application should not have been accepted as they filed late and after the effective date in the Notice which was November 30, 2022. The landlord stated that they are willing to give the tenant until May 31, 2023, to find alternate housing.

Analysis

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

Section 66(3) of the Act states that 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.

In this case the effective date in the Notice was November 30, 2022. I find the tenant made their application on December 5, 2022. This was beyond the effective date of the Notice. I find I must not allow the tenant more time to dispute the Notice. I find the tenancy legally ended on November 30, 2022, and the tenant is overholding the rental unit. Therefore, I dismiss the tenant's application.

As I have dismissed the tenant's application and the Notice complies with section 52 of the Act, I find the landlord is entitled to an order of possession pursuant to section 55 of the Act.

The landlord has agreed to give the tenant until May 31, 2023, to find alternative housing. Therefore, I grant the landlord an order of possession effective at **1:00pm on May 31, 2023**. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

I note the tenant is asking in their application to have the comply with their mission statement; however, I have no authority to do so, as it is not part of the Act.

Conclusion

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: April 14, 2023