



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes MT, CNR, PSF, LRE, O

### Introduction

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order allowing more time to make an application to cancel a Notice to End Tenancy – Section 66;
2. An Order cancelling notice to End Tenancy – Section 46;
3. An Order that the Landlord provide services or facilities required by law – Section 65; and
4. An Order suspending or setting conditions on the landlord’s right to enter the rental unit – Section 70

The Landlord and Tenant were each given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Tenant entitled to more time to make the application to cancel the Notice to End Tenancy?

Is the Tenant entitled to a cancellation of the Notice?

Is the Landlord required to provide services or facilities?

Is the Tenant entitled to an order suspending or setting conditions on the landlord’s right to enter the rental unit?

### Background and Evidence

On October 11, 2011, the Tenant was personally served with a Notice to End Tenancy for Cause (the “Notice”), with an effective date of November 30, 2011.

The Tenant states that he was unable to make the application on time as he had no one to assist him with either his application or for the preparation of his case. The Tenant states that he was finally able to find an advocate and made the application on November 6, 2011. The Tenant states that he did not read the information on the Notice and did not realize that he could have found help by calling the Residential Tenancy Branch.

The Tenant states that his application in relation to his claim that the Landlord provide services is in relation to the Landlord's provision of the rental unit to him and that he was not seeking to suspend or set conditions on the Landlord's right to enter the rental unit.

#### Analysis

Section 47 of the Act requires that upon receipt of a Notice to end Tenancy for Cause, the tenant may, within ten days of receiving the notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date. Section 66 of the Act provides that a time limit may be extended in exceptional circumstance. I find that the reasons given by the Tenant for not disputing the Notice within the time limit of 10 days are not exceptional reasons as contemplated by the Act. The Notice provides phone numbers and information for Tenants requiring assistance in making applications. Accordingly, I find that the Tenant is not within the time limit to cancel the Notice.

As the Tenant did not file an application to dispute the Notice, I find that the Tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice and must vacate the unit by November 30, 2011.

Given the Tenant's evidence in relation to the remainder of the claims contained in the application, I find that there are no other claims to determine and the application is therefore dismissed.

Conclusion

The Tenant does not have exceptional reasons for extending the time limit to dispute the Notice and the application is dismissed.

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: November 24, 2011.

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Residential Tenancy Branch