



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, OPC, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy that was given for cause, and a request for recovery of the filing fee.

The tenant's application is a request for an order cancelling a Notice to End Tenancy that was given for cause and a request to allow the tenant more time to make an application to cancel the Notice to End Tenancy.

Decision and reasons

The parties agree that a one month Notice to End Tenancy was served on the tenant by hand on January 31, 2012.

The tenant did not file for dispute resolution until March 13, 2012.

The tenant is requesting more time to make the application, however it is my decision that I will not allow that request.

The tenant has a brain injury, however he took a Notice to End Tenancy to an advocate for assistance approximately 2 weeks prior to filing the application; however the advocate states that they did not file within the time limit simply because of an oversight.

Therefore since this application could have been filed well within the time frame allowed under the Residential Tenancy Act, I am not willing to grant more time to file the application and this tenancy ends pursuant to the Notice to End Tenancy.

Conclusion

Tenant's application

The tenant's application is dismissed without leave to reapply.

Landlord's application

I have issued an Order of Possession to the landlord for 1:00 PM on April 30, 2012, and I have also ordered recovery of the filing fee.

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 10, 2012.

Residential Tenancy Branch