



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding West Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNR, MNDC, OLC, LRE, OPT, AAT, LAT

Introduction

This hearing was convened on an application made by the tenant on August 21, 2013 seeking an extension of the five-day time limit to contest a Notice to End Tenancy for unpaid rent and if granted, to challenge the notice.

The tenant also sought a monetary award for loss or damage under the legislation or rental agreement, an order that the landlord comply with the legislation, an order limiting the landlord's access to the rental unit, an order of possession for the tenant, an order to allow tenant access to the rental unit and authorization to change the locks.

As a preliminary matter, with respect to the request for an extension of the time limit to contest the notice to end tenancy, section 66 of the Act provides that the director's delegate may extend a time limit only in exceptional circumstances, and must not extend a time limit to accept an application to date beyond the effective date of a notice to end tenancy. The tenant did apply a day after the effective date of the notice.

Therefore, while I could not extend the time limit, the landlord stated that he would be willing to reinstate the tenancy if the tenant was able to pay the \$200 outstanding from the rent due on August 1, 2013.

As to the tenant's other claims, the tenant had been called to Toronto in mid-August to his father's hospital bedside for what were thought to be his last days. Therefore, he had not been able to submit any evidence in support of his claims.

I note that the computer control panel for the telephone conference call hearing verified that the tenant was calling from Toronto area code 416.

Similarly, while the landlord stated that he had evidence to refute some of the tenant's claims, he had not submitted it to the branch or to the tenant.

For those reasons and because the conversation between the parties indicated they may be willing to resolve matters and restore this 12-year tenancy, I dismiss the tenant's application with leave to reapply.

As the landlord is relatively new to this property, and while I make no finding or supposition that he did so, I would caution that to evict a tenant without an Order of Possession would be considered a very serious breach of the legislation.

Conclusion

The application is dismissed with leave to reapply.

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: August 28, 2013

Residential Tenancy Branch

