



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNR AAT

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date concerning an application made by the tenant seeking more time than prescribed to dispute a notice to end the tenancy, an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and for an order allowing access to the rental unit for the tenant or the tenant's guests.

The landlord attended the hearing prepared to respond to the tenant's application however the tenant joined the call at 9:43 a.m.

The landlord advised that the tenant had not served the Application for Dispute Resolution and notice of this hearing (the Hearing Package) and the landlord learned of the hearing by contacting the Residential Tenancy Branch. The tenant advised that the Hearing Package was served by placing it through a mail slot at the address for service of the landlord as indicated on the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. That is not an acceptable method of service according to the *Residential Tenancy Act*.

The *Act* also states that I have no jurisdiction to extend the time for applying to cancel a notice to end a tenancy beyond the effective date of the Notice. In this case, the tenant has applied for more time, but filed the application seeking that additional time on May 7, 2019. However, the effective date of vacancy contained in the Notice is May 5, 2019. Therefore, I find that the tenant's application cannot succeed, and I dismiss the tenant's application without leave to reapply.

The *Act* also states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the

landlord, so long as the Notice given is in the approved form. The parties do not agree whether or not the landlord served both pages of the Notice, however only the first page has been provided as evidence for this hearing. Therefore, I cannot be satisfied that it was in the approved form, and I decline to issue an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without 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: June 20, 2019

Residential Tenancy Branch