

DECISION

Dispute Codes MT, CNC, FF

Introduction

This matter dealt with an application by the Tenant for more time to apply to cancel a Notice to End Tenancy and if successful on that part of his application, to cancel a One Month Notice to End Tenancy for Cause dated January 9, 2010 as well as to recover the filing fee for this proceeding.

The hearing started as scheduled at 1:30 p.m., however by 1:40 p.m., neither party had dialled into the conference call. Section 66(3) of the Act says that a Tenant may not apply for more time to cancel a Notice after the effective date of the Notice has expired. The effective date of the One Month Notice is February 28, 2010. Consequently, as the time limits to apply to set aside a One Month Notice under s. 47 and s. 66 of the Act have now expired, the Tenant's application is dismissed without leave to reapply.

Conclusion

The Tenant's application is 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: March 04, 2010.

Dispute Resolution Officer