

## **DECISION AND REASONS**

**Dispute Codes:** CNR, MNDC, MT

### **Introduction**

This hearing was convened upon the application of the tenant seeking:

1. More time to make this application;
2. To cancel a Notice to End Tenancy given for unpaid rent; and
3. A monetary order for compensation or loss in the sum of \$1,000.00.

I accept the testimony of the tenant that he served the landlord with his Application for Dispute Resolution by way of leaving a copy with the landlord's manager "Randy" on November 2, 2009.

The landlord did not appear and the tenant gave evidence under oath.

### **Background**

The tenant testified that he was served with a 10 day notice to end tenancy for unpaid rent on August 3, 2009. The tenant says he did file an application to dispute the Notice and a hearing was set but neither he nor the landlord appeared at the last hearing so he refilled his application on November 2, 2009. The tenant confirmed that he has not paid his rent. The tenant says that the place is full of mice and is not well maintained and this is the reason for his request for compensation in the sum of \$1,000.00

### **Findings**

The tenant did make a previous application to cancel the Notice to End Tenancy which is also the subject of this application but neither he nor the landlord appeared at the previous hearing. The remedy available to the tenant at that time was to seek a review and prove that circumstances existed that were beyond his control and which could not have been anticipated that prevented him from attending that hearing. Instead he made this new application on November 2, 2009 seeking once again to cancel the 10 day Notice to End Tenancy given for unpaid rent on August 3, 2009. In this application he also seeks more time to make this application.

While a copy of the 10 day Notice served upon the tenant on August 3, 2009 was not filed in evidence as the notice states the effective date of the notice would be 10 days following service and clearly that time has passed. I am unable to extend the time to make an application to cancel a Notice to End Tenancy where the effective date of the Notice has passed and, even if I could extend the time to make such an application, the Act does not allow me to cancel a Notice to End Tenancy in which the effective date has passed.

With respect to the tenant's claim for \$1,000.00 in compensation for damage or loss I find that the tenant has supplied insufficient evidence with respect to his claim for compensation and it is also dismissed.