



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

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, to cancel a One Month Notice to End Tenancy for Cause dated July 14, 2010 and to recover the filing fee for this proceeding.

The hearing started at 11:00 a.m. as scheduled, however by 11:10, the Tenant had not dialled into the conference call. As the time limit for applying to extend the time to cancel a Notice to End Tenancy under s. 59(3) of the Act has now expired, the Tenant's application is dismissed without leave to reapply.

Section 48 of the Act states that when a Tenant's application to cancel a Notice to End Tenancy is dismissed, a Landlord may apply for an Order of Possession of the manufactured home site (provided that the Notice is enforceable). However, I find that the One Month Notice dated July 14, 2010 is not enforceable because it is not in the approved form as required by s. 45 of the Act. In particular, the One Month Notice served on the Tenant is no longer in use because it provides, for example, addresses of Residential Tenancy Branch Offices that are no longer in existence. Consequently, although the Tenant's application in this matter is dismissed without leave to reapply, I find that the One Month Notice for Cause dated July 14, 2010 is unenforceable.

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: September 29, 2010.

Dispute Resolution Officer