



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNC, FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 1 Month Notice pursuant to section 47; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The landlord did not attend this hearing, although I waited until 3:15 p.m. in order to enable the landlord to connect with this teleconference hearing scheduled for 3:00 p.m. The tenant's counsel attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The tenant's counsel said that a settlement had been reached with the landlord whereby the landlord would not pursue the 1 Month Notice and the tenancy would continue. The tenant's counsel withdrew the application to recover the tenant's filing fee from the landlord.

### Issues(s) to be Decided

Should the tenant be granted his request for an extension of time to apply for cancellation of the landlord's 1 Month Notice? Should the landlord's 1 Month Notice be cancelled?

### Background and Evidence

After having received the tenant's application for dispute resolution, the landlord has not provided any written evidence, nor has the landlord attended the hearing to present oral testimony. Other than the tenant's application for dispute resolution, I have no written evidence from either party.

### Analysis

I allow the tenant's application for an extension of time to apply for cancellation of the landlord's 1 Month Notice of April 26, 2012. I cancel the landlord's 1 Month Notice with the effect that this tenancy continues.

Conclusion

The tenant's application for an extension of time to file an application for dispute resolution is allowed. The 1 Month Notice is cancelled and the tenancy continues.

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: May 24, 2012

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Residential Tenancy Branch