



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, LRE

DECISION AND REASONS

This hearing was convened to deal with the Tenant's application to cancel a Notice to End Tenancy for Cause, and for orders for the Landlord to make emergency repairs, and suspending or setting conditions on the Landlord's right to enter the rental unit.

This matter was set for hearing at 2:00 p.m. on this date. The line remained open while the phone system was monitored for 11 minutes. The only participant who called into the hearing during this time was the Respondent.

The Applicant failed to attend to present her claim, and the Respondent appeared and was ready to proceed.

I therefore **dismiss** the Tenant's application, **without leave to reapply**.

During the hearing, the Landlord requested an Order of Possession. However, the *1 Month Notice to End Tenancy for Cause* was not submitted into evidence by either party.

A Notice to End Tenancy can only be enforced if it complies with the requirements of section 52 of the Act. Without a copy of the Notice to End Tenancy that the Landlord served on the Tenant, I cannot conclude that the Notice is effective and therefore enforceable.

I therefore **deny** the Landlord's request for an Order of Possession.

Conclusion

The Tenant's application is dismissed, without leave to reapply.

I deny the Landlord's request for an Order of Possession.

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 24, 2011.

Residential Tenancy Branch