



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled to convene by way of conference call at 9:00 a.m. on this date to deal with the tenants' application for an order cancelling a notice to end tenancy for unpaid rent or utilities.

The landlord attended the conference call hearing and was prepared to respond to the tenants' application, however neither of the tenants attended by 9:10 a.m. The landlord indicated that he wished an Order of Possession, and the hearing continued in the absence of the tenants (applicants). The landlord gave affirmed testimony and provided evidence in advance of the hearing. All evidence and the testimony provided have been reviewed and are considered in this Decision.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent or utilities?

Background and Evidence

The landlord provided evidence that the tenants failed to pay rent in full continuously over time, and the landlord had loaned the tenants money from time to time. On April 27, 2011 the landlord served the tenants with a notice to end the tenancy, a copy of which was provided in advance of the hearing. The notice is a 4 page form and states that the tenants are in arrears the sum of \$6,638.82 and contains an expected date of vacancy of May 6, 2011.

The landlord stated that his daughter resides in another unit within the rental building and the landlord believes that the tenants have moved. The landlord requests an Order of Possession so that he may enter the rental unit and take possession of it.

Analysis

Since neither of the tenants attended the conference call hearing, the application by the tenants for an order cancelling the notice to end tenancy must be dismissed.

With respect to the landlord's request for an Order of Possession, the *Residential Tenancy Act* states that a notice to end a tenancy given by a landlord must be in the approved form. I find that the notice given to the tenants was not in the approved form and therefore, I must decline to issue an Order of Possession. However, in the circumstances, the tenants' application must be dismissed, and therefore, the notice to end the tenancy is not cancelled.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety 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: May 26, 2011.

Residential Tenancy Branch