



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenants and one brought by the landlord. Both files were heard together.

The landlord's application was a request for an order possession based on a Notice to End Tenancy for non-payment rent.

The tenant's application was a request to cancel a Notice to End Tenancy that was given for non-payment of rent.

Decision and reasons

Landlord's application

No hearing was held because even though I waited until well past the time at which the hearing was to start, the landlord did not join the conference call that was set up for the hearing.

I therefore dismiss this application without leave to re-apply.

Tenant's application

The tenant's application was a request to cancel a Notice to End Tenancy however the application was not filed within the five day time limits set out in the Residential Tenancy Act.

The tenant received the Notice to End Tenancy on June 23, 2011, and did not apply for dispute resolution until July 4, 2011.

Further the tenant testified that she has already vacated the rental unit.

Therefore it is my decision that I also dismiss the tenant's application 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: July 27, 2011.

Residential Tenancy Branch