



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNDC , FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant. The application was originally to cancel a Two Month Notice to End Tenancy for Landlord's Use, but was amended to remove this and to change the application to seek a monetary order in compensation for landlord interference.

This matter was set for hearing by telephone conference call at 10:30 a.m. on this date. The line remained open while the phone system was monitored for fifteen minutes and the only participant who attended during this time was the respondent landlord.

The respondent was ready to proceed. But the applicant did not attend the hearing.

Based on the above, the tenant's application was dismissed without leave to reapply. After the tenant's application was dismissed, the landlord made a verbal request for an Order of Possession.

Section 55(1) states that if tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, and this application is dismissed, the arbitrator must grant an order of possession of the rental unit to the landlord.

However, the amended application before me was only to deal with the tenant's request for monetary compensation, not to cancel the Two Month Notice to End Tenancy for Landlord's Use. Therefore, I find that there was no authority under the Act to grant the landlord an Order of Possession on request.

The tenant's application for a monetary order is hereby 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: November 01, 2012.

Residential Tenancy Branch