



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This was an application by a tenant to cancel a landlord use notice to end a tenancy however the tenant did not attend and did not provide a copy of the notice. The landlord's agent E.K. attended the hearing.

Issue(s) to be Decided

Is the tenant entitled to an Order cancelling the notice to end the tenancy?

Background and Evidence

E.K. testified that he served the tenant with a one month notice to end the tenancy dated May 5, 2013 on that day by handing it to him.

Analysis:

A hearing was scheduled with respect to this matter by teleconference. The applicant failed to participate in the hearing at the appointed time notwithstanding the elapse of 15 minutes. Rule 10.1 of the Rules of Procedure provides:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The application is dismissed. Although the landlord asked for an order for possession, neither the landlord nor the tenant had tendered a copy of the notice in evidence. Accordingly I have declined to issue an Order for Possession.

Conclusion

I have dismissed the tenant's application to cancel the notice to end the tenancy. There will not be any recovery of the filing fee.

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 11, 2013

Residential Tenancy Branch