



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, CNL

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling two notices to end tenancy - Sections 47 and 49.

The matter was set for a conference call hearing at 9:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes. The only participant who called into the hearing during this time was the Landlord who was ready to proceed on the notices to end tenancy for cause (the “Notices”). The Tenant failed to attend to present its claim. In the absence of the Tenant who made the application, I dismiss this claim without leave to reapply.

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that a notice to end tenancy from a landlord must be in writing and must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

The Landlord served the Tenant with a two month notice for landlord's use in error and subsequently on May 11, 2016 served the Tenant with the correct one month notice to end tenancy for cause (the “Notice”), issued on May 11, 2016. The Notice is on the approved form, is signed and dated by the landlord, gives the address of the rental unit,

states the effective date of the notice, state the grounds for ending the tenancy. As rent is payable on the first day of each month, the effective date of the Notice is set out incorrectly as June 11, 2016 however this is automatically corrected under the Act to read June 30, 2016. As the Notice complies in form and content and as the Tenant's application has been dismissed I find that the Landlord is entitled to an order of possession. I therefore grant an Order of Possession to the Landlord effective 1:00 p.m. on June 30, 2016.

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 16, 2016

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Residential Tenancy Branch