



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 5th Ave. Holdings
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities.

An agent for the landlord attended the hearing, however the line remained open while the phone system was monitored for 15 minutes and no one for the tenant attended the call. Therefore, I dismiss the tenant's application without leave to reapply.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, provided the notice given is in the approved form. In this case, the tenant has provided a copy of the first page only of a 2-page 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and the landlord has not provided any evidentiary material. Therefore, I cannot be satisfied that the notice given was in the approved form and I decline to grant an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application 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: September 21, 2016

Residential Tenancy Branch

