



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, O, FF

Introduction

The tenant applies to cancel a two month Notice to End Tenancy for landlord use of property dated August 18, 2016.

The tenant did not attend the hearing within ten minutes after its scheduled start time. The application is therefore dismissed.

The landlord attended and was ready to proceed. As a result, the tenant's application is dismissed without leave to re-apply.

Pursuant to s. 55 of the *Residential Tenancy Act* (the "Act") the landlord is entitled to an order of possession.

The Notice gives an effective date of September 19, 2016, however, as the rent was due on the first of each month, the Notice, served in August, could only be effective, at the earliest, at the end of the following rental period: September 30, 2016. By operation of s. 53 of the *Act* the effective date of this Notice is automatically corrected to September 30. That is when the tenancy ended.

The landlord notes that his tenant is Ms. R.M. who is not a party to this proceeding. No tenancy agreement was submitted by either party. As she is not a party to this proceeding an order cannot be made against her.

The order of possession will issue against the applicant Mr. G.M. The landlord is free to make his own application against Ms. R.M.

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: October 27, 2016

Residential Tenancy Branch

