



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlord. Both files were to be heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for \$800.00 and recovery of the filing fee.

The tenant's application is a request to cancel a Notice to End Tenancy, and a request for \$25,000.00 Monetary Order.

No hearing was held however, because, even though I waited until well past the time at which the hearing was to start, no one joined the conference call that was set up for the hearing.

Section 55 of the Residential Tenancy Act states:

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

In this case I have examined the Notice to End Tenancy and it is my finding that it does comply with section 52 of the Act.

Conclusion

The tenant's application to cancel the Notice to End Tenancy is dismissed without leave to reapply, and the tenant's application for a monetary order is dismissed with leave to reapply.

I also dismiss the landlord's application for a monetary order with leave to re-apply, and, having determined that the landlord's Notice to End Tenancy complies with section 52 of the Act, I have issued an Order of possession, pursuant to Section 55 of the Act, enforceable 2 days after service on the tenant.

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, 2016

Residential Tenancy Branch