



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant's Application filed September 22, 2016: CNC
amended October 6: CNC

Introduction

This is the Tenant's Application for Dispute Resolution seeking to cancel two Notices to End Tenancy for Cause. One Notice was issued on September 14, 2016, with an effective date of October 30, 2016. The other Notice is an "amended" Notice, with an effective date of November 30, 2016. Other than the different effective dates the Notices appear to be identical, although the "amended" Notice is not signed.

This matter was scheduled to be heard at 11:00 a.m., November 17, 2016. The Tenant's legal advocate and the Landlord signed into the Hearing; however, the Tenant did not. The Hearing remained open for 12 minutes.

The Tenant's advocate stated that she did not receive instructions from the Tenant to act as her agent at the Hearing and that she could not give testimony with respect to the Notices to End Tenancy.

The "amended" Notice is not signed by the Landlord and therefore I find that it does not comply with Section 52 of the Act and is not a valid notice to end the tenancy.

The Tenant did not attend the Hearing to provide evidence and therefore, her Application to cancel the Notice issued September 14, 2016, is dismissed.

I find that the Notice issued September 14, 2016, does comply with Section 52 of the Act. The Tenant made her application to cancel the Notice on September 22, 2016, and therefore, I find that she received the Notice before the end of September, 2016. Rent is due on the first day of each month. Therefore, I find that tenancy ended on October 30, 2016.

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlord with an Order of Possession. The Landlord asked that the Order be effective on November 30, 2016.

Conclusion

I hereby provide the Landlord with an **Order of Possession** effective **1:00 p.m., November 30, 2016**. This Order may be enforced through the Supreme Court of British Columbia.

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 17, 2016

Residential Tenancy Branch