



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FF, O

Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause, to recover the fee for filing this Application, and for "other".

The female Landlord stated that she received the Application for Dispute Resolution and the Notice of Hearing in the mail sometime in late October of early November of 2016.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The female Landlord stated that a One Month Notice to End Tenancy for Cause was served to the Tenant, which declared that the Tenant must vacate the rental unit by November 30, 2016. She stated that she does not have a copy of the Notice to End Tenancy with her and it was not served to her as evidence by the Tenant.

Neither party submitted a copy of a One Month Notice to End Tenancy to the Residential Tenancy Branch.

The hearing was scheduled for 9:00 a.m. on this date. I dialed into the teleconference at the scheduled start time and the Landlords dialed into the teleconference shortly thereafter. By the time this teleconference was terminated at 09:12 a.m., the Tenant had not appeared.

Analysis

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the Application without leave to reapply.

Section 55(1) of the *Act* directs me to grant a landlord an Order of Possession if I dismiss a tenant's application to dispute a notice to end tenancy, providing the notice to end tenancy complies with section 52 of the *Act*. As neither party submitted a copy of the Notice to End Tenancy that is the subject of this dispute and the Landlord did not have a copy of that Notice with her at the time of the hearing, I find I am unable to determine that the Notice complies with section 52 of the *Act*. I am therefore unable to grant the Landlord an Order of Possession.

Conclusion

The Application for Dispute Resolution is 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 *Act*.

Dated: December 14, 2016

Residential Tenancy Branch