



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, DRI, MNDC, MNDD, MT, OLC, PSF, RP, RPP, RR, FF

### Introduction

The tenant applies to cancel a two month Notice to End Tenancy for landlord use of property. He also seeks a variety for relief relating to a dishwasher, garburator and microwave.

The landlord did not attend the hearing within twenty minutes after its scheduled start time, nor did she file material in response to the claim.

The tenant testifies that the landlord was served with the application and notice of hearing by registered mail. Canada Post records for the mail (tracking number shown on cover page of this decision) show that the mail was delivered and signed for by the landlord on October 27, 2016. On this evidence I find that the landlord was duly served.

The tenant indicates that the respondent landlord sold the rental unit, a condominium apartment, and that the purchaser, a Mr. P.C. became his new landlord on September 1, 2016. This application was made October 17, 2016. He and the new landlord have agreed that the tenancy will end in the near future.

The tenant acknowledges that the question of the two month Notice from his old landlord is no longer in issue. He acknowledges that no compliance or repair orders could be issued against the respondent, his former landlord as she no longer has control over the premises.

The tenant's central claim concerns the appliances said to have been included in his written tenancy agreement with the respondent and compensation for her failing to supply them.

Unfortunately, the file for this dispute contains no material but for the application and notice of hearing document. Without a copy of the tenancy agreement regarding the appliances, the likelihood of the tenant succeeding on his application, even in the absence of the respondent, is questionable.

The tenant says he filed 61 pages of material by fax to the Residential Tenancy Office in Burnaby. That material has not been filed with this file. The Residential Tenancy Office digital audit system, which records receipt of such material, does not record the filing of any material by either party.

In these circumstances, the tenant withdraws his application and I grant him leave to re-apply.

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: December 06, 2016

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Residential Tenancy Branch