Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   CNR

This is an application brought by the tenant(s) requesting an order canceling a Notice to End Tenancy that was given for nonpayment of rent.

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 not comply with section 52 of the Act, as the landlord has put an incorrect name for the tenant and has failed to provide the landlords address for service of documents.

Conclusion

I therefore dismiss this application with leave to re-apply.

I have not issued an Order of Possession, because as stated above, the notice to end tenancy does not comply with Section 52 of the Act.

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: February 21, 2017

_____
Residential Tenancy Branch