



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPR, CNC

### Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning applications made by the landlord and by the tenant. The landlord has applied for an Order of Possession for unpaid rent or utilities, and the tenant has applied for an order cancelling a notice to end the tenancy for cause.

The line remained open while the phone system was monitored for in excess of 15 minutes and no participants joined the call during that time. Therefore, I dismiss both applications with leave to reapply.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form.

In this case, the tenant has not provided a copy of a notice to end the tenancy for cause given by the landlord. However the landlord has provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. It is dated March 8, 2017 and contains an effective date of vacancy of March 18, 2017 for unpaid rent in the amount of \$1,000.00 that was due on March 1, 2017, and states that it was served to the tenant in person on March 8, 2017. I find that it is in the approved form and contains information required by the *Act* but the tenant has applied for an order cancelling a notice to end the tenancy for cause. Therefore, I cannot be satisfied that the notice given by the landlord for cause is in the approved form.

The landlord has not appeared to participate in a hearing seeking an Order of Possession for unpaid rent or utilities, and having dismissed the landlord's application with leave to reapply, I decline to issue an Order of Possession in favour of the landlord.

### Conclusion

For the reasons set out above, the applications of the landlord and of the tenant are hereby dismissed with 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 *Residential Tenancy Act*.

Dated: April 18, 2017

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Residential Tenancy Branch

