



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, MNDC, MNSD, OLC, O

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking more time than prescribed to dispute a notice to end the tenancy; for an order cancelling a notice to end the tenancy for unpaid rent or utilities; for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement; for a monetary order for return of all or part of the pet damage deposit or security deposit; and for an order that the landlord comply with the *Act*, regulation or tenancy agreement.

Both named landlords attended the hearing prepared to respond to the tenant's application, however the line remained open while the phone system was monitored for in excess of 10 minutes and no one for the tenant joined the call. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The *Residential Tenancy Act* states 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 landlord advised that the tenant vacated the rental unit last September and the landlord has possession. Further, no one has provided a copy of a notice to end the tenancy given by the landlord and therefore I cannot be satisfied that any notice given is in the approved form. For those reasons, I decline to issue an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety 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 *Residential Tenancy Act*.

Dated: May 25, 2017

Residential Tenancy Branch