



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF
 CNR, OLC, FF

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 and a monetary order 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 an order permitting the landlord to keep all or part of the pet damage deposit or security deposit; and to recover the filing fee from the tenant for the cost of the application. The tenant has applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities; for an order that the landlord comply with the *Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord.

The landlord attended the hearing and gave affirmed testimony, however, the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant joined the call. Therefore, I dismiss the tenant's application without leave to reapply.

The landlord testified that the tenant was served with the Landlord Application for Dispute Resolution and notice of hearing personally on June 9, 2017. I accept that testimony and I find that the tenant has been served in accordance with the *Residential Tenancy Act*.

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, no one has provided a copy of the notice, and therefore, I cannot be satisfied that it was in the approved form, and I decline to grant an Order of Possession.

The landlord testified that the tenant is in arrears of rent, however, only a copy of the tenancy agreement has been provided as evidence. Since the landlord has not provided a copy of the notice to end the tenancy, I cannot be satisfied that the tenant has been put on notice of the amount of rent owed, and I dismiss the balance of the landlord's application with leave to reapply.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

The landlord's application is 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: July 04, 2017

Residential Tenancy Branch