



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, DRI, FF

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling a notice to end tenancy - Section 49;
2. An Order in relation to a rent increase - Section 43; and
3. An Order to recover the filing fee for this application - Section 72.

The hearing was scheduled for 9:30 a.m. The Landlord appeared and was ready to proceed. The hearing lasted for 11 minutes during which time the Tenant did not appear to pursue its application.

The Tenant did not provide any documentary evidence for the hearing. The Landlord stated that he served the Tenant with a one month notice by phone and with a 2 month notice to end tenancy. The Landlord was not able to state the date that the 2 month notice was issued. The Landlord confirmed that no copy of either of these notices was provided as evidence for this hearing. The Landlord stated that he only had a photo of the two month notice to end tenancy.

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Rule 3.15 of the Residential Tenancy Branch (the “RTB”) Rules of Procedure provides that evidence that a

respondent intends to rely on at the hearing must be submitted to the RTB and the tenant as soon as possible and no later than 7 days before the hearing. As the Tenant did not attend the hearing to pursue its application I dismiss the Tenant's application. As the Landlord did not provide a copy of any notice to end tenancy in advance of the hearing, and as there is insufficient oral evidence, I cannot determine whether any of the Landlord's notices comply in form and content. As a result I find that an order of possession may not at this time be granted to the Landlord. The Landlord remains at liberty to make an application seeking an order of possession should the Tenant not move out of the unit as required by a valid notice to end tenancy.

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: October 24, 2017

Residential Tenancy Branch