



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC

Introduction

The tenant applies to cancel a one month Notice to End Tenancy and for an order that the landlords comply with the law and the tenancy agreement in some unstated way.

The tenant did not attend for the hearing within one half hour after its scheduled start time. The landlord Ms. C.F. attended and was ready to proceed. In these circumstances the tenant's application is dismissed without leave to re-apply.

Section 55(1) of the *Residential Tenancy Act* states that where a tenant's application to cancel a Notice to End Tenancy is dismissed, as this one has been, and where the landlord's Notice to End Tenancy complies with the law as to form and content, then the arbitrator must grant the landlord an order of possession.

In this case however, the tenant has not filed a copy of the Notice as he is required to do under the Rules of Procedure. The landlords have not filed one either. Indeed, Ms. C.F. states the landlords were never served with the application. She found out about it by checking with the Residential Tenancy Branch.

And so, an order of possession cannot be issued in this proceeding because it cannot be determined that the Notice complies with the law without have a copy of the Notice submitted for consideration.

The landlords are free to make their own application for an order of possession.

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 05, 2017

Residential Tenancy Branch