



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, O

Introduction

The tenants apply to cancel a Notice to End Tenancy dated and served September 1, 2017.

Neither tenant attended for the hearing within twenty five minutes after its scheduled start time. The owner Ms. V.L. and her agent, the respondent Mr. A.W. attended and were ready to proceed.

In these circumstances the tenants' application is dismissed without leave to re-apply.

Section 55 of the *Residential Tenancy Act* (the "*Act*") states that were a tenant's application to dispute a Notice is dismissed, and where the Notice complies with the requirements of the *Act*, the landlord must receive an order of possession.

In this case an order of possession cannot be issued. The Notice is not in the approved form for a Notice to End Tenancy for cause. The landlord has used a ten day Notice to End Tenancy for unpaid rent or utilities and has crossed out the "10" and inserted "60." The Notice does not comply with the *Act*. It does not contain a statement and particulars of the grounds for the Notice and is for that reason alone, not in compliance with the *Act*.

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 18, 2017

Residential Tenancy Branch