



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding David Burr Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, O

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities. The line remained open while the phone system was monitored for 15 minutes and no participants joined the call during that time. Therefore, I dismiss the tenant's application with leave to reapply.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to 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. I have reviewed the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities provided as evidence by the tenant, however only the first of two pages has been provided. The *Act* requires a landlord to serve both pages of such a notice, and having only the first page I cannot be satisfied that the landlord served both pages or that the notice given is in the approved form. Therefore, I decline to grant an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant'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: November 22, 2017

Residential Tenancy Branch