



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was scheduled to convene at 9:30 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 all 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 end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord. However, the *Act* also requires a landlord to establish that the notice was given in accordance with the *Act*. In this case, neither party has attended the hearing and therefore I am not satisfied that the landlord issued the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities in good faith, and I decline to issue 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: January 24, 2018

Residential Tenancy Branch