



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

This is an application brought by the tenant(s) requesting an order canceling the Notice to End Tenancy that was given for cause, and requesting recovery of the filing fee.

No hearing was held however because even though I waited until well past the time at which the hearing was to start, no one joined the conference call that was set up for the hearing and therefore, Pursuant to Section 62 of the Act, this application is dismissed, with leave to re-apply .

Section 55 of the Residential Tenancy Act states:

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 *[form and content of notice to end tenancy]*, and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

In this case, no one has supplied a copy of the Notice to End Tenancy, and therefore I am unable to determine whether it does comply with section 52 of the Act. I therefore will not be granting an order of possession to the landlord.

Conclusion

I have dismissed this application 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: March 14, 2018

Residential Tenancy Branch