



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC OLC PSF RR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a Notice to End, order the landlord to provide services or facilities, order the landlord to comply with the Act, and for a reduction of rent for services or facilities agreed upon but not provided.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing after filing their application March 07, 2018. The tenant, however, did not attend the hearing set for today at 9:30 a.m. The phone line remained open for no less than ten minutes and the conference call bridge was monitored throughout this time. The only party to call into the hearing was the respondent landlord, having been served with notice of this hearing and prepared to proceed with this matter.

Analysis and Conclusion

The full text of the Act, and other resources, can be accessed via the Residential Tenancy Branch website: www.gov.bc.ca/landlordtenant.

Following the ten minute waiting period, the application of the tenant was **dismissed, without leave to reapply**.

The landlord informed the hearing that the tenant still resides in the rental unit. Pursuant to the tenant's application to cancel a Notice to End in this matter, **Section 55(1)** of the Act states that if I dismiss the tenant's application or uphold the landlord's Notice to End I must grant the landlord an Order of Possession if the Notice to End complies with the form and content required by **Section 52** of the Act. In this matter the evidence is that on March 03, and April 16, 2018 the landlord served the tenant with

separate written letters requesting the tenant to vacate the rental unit. **Section 52** of the Act requires that if a Notice to End tenancy is given by a landlord it must be in the approved form, as provided by the Branch, which in this matter it clearly was not. As a result, the landlord is not entitled to an Order of Possession and therefore the tenancy continues until such time the tenancy ends in accordance with the Act.

This Decision is final and binding.

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: May 23, 2018

Residential Tenancy Branch