



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SATGURU ENTERPRISES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC ERP MT

Introduction

This hearing addressed the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's Notice to End Tenancy pursuant to section 47;
- an Order for repairs to be made to the unit pursuant to section 33 of the *Act*; and
- more time to dispute the landlord's Notice to End Tenancy.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 1:45 P.M. in order to enable the Applicant to connect with this teleconference hearing scheduled for 1:30 P.M. The Respondent attended the hearing at 1:36 P.M. and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Analysis

Section 55(1) of the *Act* reads as follows:

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 an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(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.

Only the first page of the landlord's notice to end tenancy was provided to the hearing by both the landlord and the tenant. No reason was listed on the notice to end tenancy submitted in evidence by both parties. I make no finding on the issuance of an Order of Possession as the landlord has not met the burden of proof. If the landlord has served the tenant with a valid notice to end tenancy, it remains at the landlord's discretion to enforce this notice.

Conclusion

All aspects of the tenant's application are dismissed without 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: June 12, 2018

Residential Tenancy Branch