



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FFT MT

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 more time than prescribed to dispute a notice to end the tenancy; an order cancelling a notice to end the tenancy for landlord's use of property; and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing prepared to respond to the tenant's application, however the line remained open while the telephone system was monitored for in excess of 15 minutes and no one for the tenant joined the call. Therefore, I dismiss the tenant's application in its entirety without 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, so long as the notice given is in the approved form. Since neither party has provided a copy of a notice to end the tenancy for this hearing, I cannot be satisfied that any given was in the approved form and 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 in its entirety 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: October 04, 2018

Residential Tenancy Branch