



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

On January 2, 2019, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting to cancel a 2 Month Notice to End Tenancy for Landlords Use of Property.

The matter was set for a conference call hearing at 11:00 AM on this date. The Landlord attended the teleconference hearing; however, the Applicant, Tenant did not.

The line remained open while the phone system was monitored for ten minutes and the Tenant did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 11:10 AM, I dismiss the Tenant's application.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

The Landlord testified that she never issued a 2 Month Notice To End Tenancy For Landlord's Use Of Property using the proper form. The Landlord testified that the parties have entered into a mutual agreement to end the tenancy on March 31, 2019.

Since the Landlord never issued a proper 2 Month Notice To End Tenancy For Landlord's Use Of Property, the Landlord is not entitled to receive an order of possession for the rental unit based on a 2 Month Notice.

Conclusion

The Applicant failed to attend the hearing to pursue his application. The Tenant's application is dismissed.

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: February 12, 2019

Residential Tenancy Branch