



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL CNR DRI MNRT FFT

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 specifying 2 residential addresses, disputing a rent increase and seeking the following orders:

- an order cancelling a notice to end the tenancy for landlord's use of property;
- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- a monetary order for the cost of emergency repairs; and
- to recover the filing fee from the landlord for the cost of the application.

The tenant also filed an amendment to the application "removing the claim for #125."

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 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.

In this case, the tenant has applied for an order cancelling a Two Month Notice to End Tenancy for Landlord's Use of Property at one address (numbered 127), and for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities for another residential address (numbered 125), which is not permitted under the *Act* or the Rules of Procedure. However the tenant filed an amendment to the application withdrawing the claim for the address (numbered 125) and the landlord advised that within a few days, or perhaps the day after service of the 10 Day Notice to End Tenancy for Unpaid Rent or

Utilities the tenant paid the rent. If a tenant pays the rent within 5 days of service, the notice is of no effect.

I have reviewed the Two Month Notice to End Tenancy for Landlord's Use of Property and I find that it is in the approved form and contains information required by the *Act*. It is dated March 30, 2019 and contains an effective date of vacancy of June 1, 2019 for the address numbered 127.

Having dismissed the tenant's application, I hereby grant an Order of Possession in favour of the landlord for the rental unit numbered 127 effective June 1, 2019.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord for the address numbered 127 effective June 1, 2019.

This order is final and binding and may be enforced.

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, 2019

Residential Tenancy Branch