



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR LAT LRE OLC

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 the following relief:

- an order cancelling a notice to end the tenancy for cause;
- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- an order permitting the tenant to change the locks to the rental unit;
- an order suspending or setting conditions on the landlord's right to enter the rental unit; and
- an order that the landlord comply with the *Act*, regulation or tenancy agreement.

The landlord attended the hearing, however the line remained open while the telephone system was monitored for 1 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. However, in this case, no one has provided a copy of any notice to end the tenancy and I cannot be satisfied that any given was in the approved form. The landlord advised that the tenant vacated the rental unit on September 20, 2019 and the landlord has possession of it, 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 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 03, 2019

Residential Tenancy Branch