



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FF

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on September 6, 2019 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a one month notice to end tenancy for cause; and
- an order granting recovery of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M. on November 15, 2019. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Landlord. Therefore, as the Tenant did not attend the hearing by 11:10 A.M., and the Landlord appeared and was ready to proceed, I dismiss the claim without leave to reapply.

Section 55(1) of the *Act* confirms that when a tenant's application to dispute a notice to end a tenancy is dismissed, and the notice complies with section 52 of the *Act*, the director must grant to the landlord an order of possession. However, in this case, the Landlord confirmed the disputed notice was hand-written and did not comply with section 52 of the *Act* which stipulates that a landlord's notice to end tenancy must be in the approved form. Although the Landlord subsequently issued what appears to be a valid notice to end tenancy, the validity of that notice was not before me. Therefore, I decline to grant an order of possession to the Landlord under section 55(1) of the *Act*. The Landlord is at liberty to apply for an order of possession based on any undisputed notices to end tenancy that have been issued.

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: November 15, 2019

Residential Tenancy Branch