



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BLACK DOOR HOLDINGS
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL-4M FFT OLC

Introduction

In this dispute, the tenant sought: (1) to cancel a Four Month Notice to End Tenancy, pursuant to section 49(8) of the *Residential Tenancy Act* (the “Act”); (2) an order that the landlord comply with the Act, the regulations, or the tenancy agreement, pursuant to section 62 of the Act; and, (3) recovery of the filing fee pursuant to section 72 of the Act.

The tenant applied for dispute resolution on September 27, 2019 and a dispute resolution hearing was held on December 9, 2019 at 11:00 AM. The landlord’s agent attended the hearing; the tenant did not attend the hearing, which I ended at 11:10 AM.

Preliminary Issue and Conclusion

I note that section 55 of the Act requires that when a tenant applies for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, I ordinarily consider if the landlord is entitled to an order of possession if the application is dismissed and the landlord’s notice to end tenancy complies with the Act.

However, given that there was no documentary evidence (except a few copies of e-mails submitted by the tenant, and which cannot be considered unless the tenant is present), and no copies of any notice to end tenancy, I must dismiss the tenant’s application with leave to reapply.

It should be noted, however, that this dismissal with leave does not extend any time limitations under the Act, including any limits on when the tenant may apply to dispute a notice to end tenancy.

I make no findings of fact or law in respect of the tenant's application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: December 9, 2019

Residential Tenancy Branch