



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, OLC, LRE, FFT

Introduction

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the landlord's One Month Notice to End Tenancy for Cause (Notice);
- an order allowing more time to make an application to dispute the Notice;
- an order requiring the landlord to comply with the Act;
- an order suspending or setting conditions of the landlord's right to enter the rental unit; and
- for recovery of the filing fee paid for this application.

The hearing began as scheduled at 11:00 a.m., Pacific Time, on February 28, 2020, and the telephone system remained open and was monitored for 15 minutes. During this time, the applicant/tenant did not dial into the telephone conference call hearing; however, the landlord's agent (landlord) did attend.

While waiting for the tenant to appear, the landlord was affirmed and gave evidence in support of the landlord's Notice.

During the hearing, the landlord confirmed not having sent in a copy of the Notice they served on the tenant and when questioned, the landlord said she served the Notice in mid-November 2019. The landlord said the tenant has remained in the rental unit.

Further, when questioned, the landlord was unable to provide the causes listed on the 2nd page of the Notice.

I note the tenant failed to send a copy of the Notice.

Analysis and Conclusion

In the absence of the tenant to present his application, pursuant to section 7.3 of the Residential Tenancy Branch Rules of Procedure (Rules), and due to the attendance by the respondent/landlord, I dismiss the tenant's application, without leave to reapply.

As I was unable to review a copy of the Notice and as the landlord was unable to provide details about the Notice, including the date served on the tenant and the cause(s) listed, I could not determine that the Notice complied with section 52 of the Act as to form and content. As a result, I did not grant the landlord an order of possession of the rental unit to the landlord under section 55(1).

The landlord is at liberty to make their own application to enforce their One Month Notice.

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 28, 2020

Residential Tenancy Branch