



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

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). The tenant applied for an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued by the landlord and recovery of the filing fee.

The hearing began at 11:00 a.m. Pacific Time on Monday, April 20, 2020, as scheduled and the telephone system remained open and was monitored for 13 minutes. During this time, the tenant did not call into the hearing; however, the landlord and her daughter/representative agent were present and ready to proceed with the hearing.

While waiting for the tenant to appear, the landlord and her agent were affirmed and gave evidence at the hearing.

The landlord confirmed receiving the tenant's application for dispute resolution by hand delivery.

As to the Notice, the landlord submitted that the tenant was served by hand delivery on February 15, 2020.

The tenant failed to submit a copy of the Notice and neither party submitted a copy of the tenancy agreement.

In response to my inquiry, the landlord confirmed they could not locate a copy of the Notice.

Words utilizing the singular shall also include the plural and vice versa where the context requires.

Analysis and Conclusion

In the absence of the tenant to present her 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.

Since I have dismissed the tenant's application, I find it is not necessary to consider the merits of the Notice. However, I find that I must consider whether the landlord has met the statutory requirements under the Act to end the tenancy.

I have no evidence that the Notice was completed in accordance with Part 4 of the Act - How to End a Tenancy, pursuant to section 49 of the Act. A copy of the Notice was not filed in evidence for my review and consideration.

The landlord was unable to provide a copy after the hearing, as it could not be located.

I therefore could not determine whether the Notice was completed in the approved form and with content that meets the statutory requirements under section 52 the Act.

As a result, I find I do not have authority under section 55(1)(a) to grant the landlord an order of possession of the rental unit.

The landlord was informed that if they could locate a copy of the Notice which was served to the tenant, they are at liberty to make their own application seeking enforcement of the Notice.

Conclusion

The tenant's application was dismissed, without leave to reapply.

The landlord was not granted an order of possession of the rental unit, as a copy of the Notice was not provided into evidence. I could not determine that the Notice met the statutory requirements under section 52 the Act.

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: April 20, 2020

Residential Tenancy Branch