



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNL, LRE, PSF, MNDCT, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property, for a monetary order for compensation pursuant to section 51 of the Act, to have the landlord provide services (wifi) required by the terms of the tenancy agreement, to suspend or set conditions on the landlord's right to enter the rental unit and to recover the cost of the filing fee.

Only the landlord appeared.

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

In most case, when a tenant's application to cancel a notice to end tenancy is dismissed the landlord is granted an order of possession, pursuant to section 55 of the Act.

However, I have not issued an order of possession for the following reasons.

Neither party provided me a copy of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; however, by the landlord's evidence the notice was issued for unpaid rent for August 2020. However, as this was affected rent during the state of emergency the landlord was not entitled to issue this notice for August 2020 rent. However, the any

subsequent rent, such a September 2020 is due and owing on the date stated in the tenancy agreement as the Ministerial Order was rescinded on August 16, 2020.

I have not issued an order of possession based on section 49 and 55 of the Act. The landlord stated at the hearing that they have not issued any such 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: October 30, 2020

Residential Tenancy Branch