



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL FF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution. The participatory hearing was held on May 7, 2021. The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- Cancel the Landlord's 2-Month Notice to End Tenancy for Landlord's Use of Property (the Notice).

The Respondent/Landlord attended the hearing. However, the Tenants/Applicants did not. The hearing was by telephone conference and began promptly, as scheduled, at 11:00 a.m. Pacific Time on May 7, 2021, as per the Notice of a Dispute Resolution Hearing provided to the tenants. 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 respondent Landlord who was ready to proceed. The Landlord testified that the tenants continue to occupy the rental unit.

After the ten minute waiting period, the Tenants' application was **dismissed in full, without leave to reapply**.

Section 55 of the *Act* applies and states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, **the director must grant to the landlord an order of possession of the rental unit if**

(a) the landlord's notice to end tenancy complies with section 52 *[form and content of notice to end tenancy]*, and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

[My emphasis added]

I have reviewed a copy of the Notice, provided into evidence. I find it does not comply with the form and content requirements under section 52 of the Act, as the Notice was not signed and dated by the Landlord.

Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

The Tenants' application is dismissed, without leave. However, the Notice does not comply with section 52 of the Act, and is hereby cancelled.

Accordingly, the tenancy continues at this time and until such time it legally ends.

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: May 07, 2021

Residential Tenancy Branch