



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT
 OPR-DR, MNR-DR, FFL

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date concerning applications made by the tenant and by the landlords. The tenant has applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities and to recover the filing fee from the landlord for the cost of the application. The landlords have applied for an Order of Possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant. The tenant's application names 1 landlord, and the landlords' application names 2 landlords.

One of the landlords attended the hearing and represented the other landlord, and gave affirmed testimony. However the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant joined the call. The landlord attended prepared to respond to the tenant's application, and since the tenant has not joined the call, I dismiss the tenant's application without leave to reapply.

The landlord testified that neither of the parties has served the other party with the applications or the notice of hearing (the Hearing Package).

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the Notice given is in the approved form. Neither party has provided all pages of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, and therefore I cannot be satisfied that the Notice given was in the approved form.

Since the landlord has not served the tenant with the hearing package, I dismiss the landlord's application without leave to reapply.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

The landlords' application is also dismissed without leave to reapply.

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 05, 2021

Residential Tenancy Branch