



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was scheduled to convene at 11:00 a.m. this date by way of conference call concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for landlord's use of property.

The landlord attended the hearing 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. Therefore, I dismiss the tenant's application without leave to reapply.

The landlord testified that the tenant had not served the landlord with any of the tenant's evidence, and the landlord has not provided a copy of a notice to end the tenancy. The tenant has provided a portion of a Two Month Notice to End Tenancy for Landlord's Use of Property.

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. Since neither the tenant nor the landlord has provided a full copy of the notice given, I cannot be satisfied that any given to the tenant was in the approved form, and I decline to grant an Order of Possession in favour of the landlord.

The landlord is at liberty to apply for an Order of Possession, but must serve the tenant and be able to satisfy an Arbitrator that the notice given is in the approved form and that the tenant's application to cancel it has been dismissed without leave to reapply in this hearing.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: November 26, 2021

Residential Tenancy Branch