



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, PSF, LRE, AS, MNDCT

Introduction

This hearing was scheduled to convene at 11:00 a.m. on May 03, 2022 concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for cause;
- an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order that the landlord provide services or facilities required by the law or the tenancy agreement;
- an order limiting or setting conditions on the landlord's right to enter the rental unit;
- an order permitting the tenant to assign or sublet because the landlord's consent has been unreasonably withheld; and
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

The landlord attended the hearing, accompanied by the landlord's spouse and daughter. However, the line remained open while the telephone system was monitored for in excess of 15 minutes and no one for the tenant joined the call. Since the landlord attended the hearing, prepared to respond to the tenant's application, and no one for the tenant attended, I dismiss the tenant's application in its entirety without leave to reapply.

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. In this case, neither party has provided a copy of a notice to end the tenancy, and therefore, I cannot be satisfied that a notice given was in the approved form and I

decline to provide an Order of Possession to the landlord. The landlord may apply for an Order of Possession and serve the tenant with the dispute resolution package.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety 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: May 03, 2022

Residential Tenancy Branch