



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR RP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46;
- an order to the landlord to make repairs to the rental unit pursuant to section 32;

While the respondent attended the hearing by way of conference call, the applicant did not, although I waited until 9:40 a.m. in order to enable the applicant to connect with this teleconference hearing scheduled for 9:30 a.m. The applicant should have been aware of the hearing date, time and call in instructions as this dispute was initiated by the applicant and the applicant was required to serve a copy of the notice of hearing on the respondent.

Accordingly, in the absence of the applicant's participation in this hearing, I order the application dismissed without leave to reapply.

Generally, if a tenant's application to dispute a Notice to End Tenancy is dismissed, a landlord may be entitled to an order of possession. However, in this case the notice to end tenancy issued by the landlord was in the form of a letter and not in the approved form as required.

Section 46 of the Act contains provisions by which a landlord may end a tenancy for unpaid rent by giving a notice to end tenancy. Section 46(2) requires that a notice must comply with section 52 [form and content of notice to end tenancy].

Section 52 of the Act states as follows: **(emphasis for ease)**

Form and content of notice to end tenancy

52 In order to be effective, a notice to end a tenancy must be in writing and must

- (a) be signed and dated by the landlord or tenant giving the notice,
- (b) give the address of the rental unit,
- (c) state the effective date of the notice,
- (d) except for a notice under section 45 (1) or (2) [*tenant's notice*], state the grounds for ending the tenancy, and
- (e) when given by a landlord, be in the approved form.**

Conclusion

The application is 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: September 16, 2022

Residential Tenancy Branch