



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

CNC, OLC, FFT

### Introduction

This hearing was convened in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to cancel a One Month Notice to End Tenancy for Cause, for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* and/or the tenancy agreement, and to recover the fee for filing this Application for Dispute Resolution.

The participants affirmed that they would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The participants were advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. Each participant affirmed they would not record any portion of these proceedings.

### Issue(s) to be Decided

Should the One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Is there a need to issue an Order requiring the Landlord to comply with the Residential Tenancy Act (Act) and/or the tenancy agreement?

### Background and Evidence

At the outset of the hearing the Landlord stated that the Tenant did not serve her with a

copy of this Application for Dispute Resolution nor did the Tenant serve her with evidence for these proceedings.

The Landlord stated that she became aware of these proceedings when the Residential Tenancy Branch recently sent her an email advising her of the hearing today.

This hearing commenced at the scheduled start time of 11:00 a.m. At 11:07 a.m. the Landlord abruptly exited the teleconference, presumably in error. I waited on the line until 11:18 a.m. but the Landlord did not sign back into the teleconference.

The Landlord exited the teleconference prior to proving any details of this tenancy and/or a One Month Notice to End Tenancy for Cause.

### Analysis

On the basis of the undisputed evidence, I find that the Tenant did not serve the Landlord with documents related to these proceedings. I therefore find that the Tenant has failed to diligently pursue this Application for Dispute Resolution.

As the Tenant has failed to diligently pursue this Application for Dispute Resolution, I dismiss the Application for Dispute Resolution, without leave to reapply.

Section 55(1) of the *Act* stipulates that 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 the landlord's notice to end tenancy complies with section 52 of the *Act*, and the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

As the Landlord exited the teleconference and did not rejoin it in a timely manner, I find that I have insufficient evidence to determine if the Landlord served the Tenant with a One Month Notice to End Tenancy for Cause that complies with section 52 of the *Act*. Without this essential information, I am unable to grant the Landlord an Order of Possession and no such Order has been granted.

### Conclusion

The Application for Dispute Resolution 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 *Act*.

Dated: November 14, 2022

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Residential Tenancy Branch