



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

This hearing was convened in response to an application by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order cancelling two notices to end tenancy - Section 46 and 47;
2. An Order for the recovery of the filing fee - Section 72.

The proceedings were set for a conference call hearing at 11:00 a.m. on this date. The Landlord called into the hearing. The line remained open while the phone system was monitored for twelve minutes. The Tenant did not call into the hearing to pursue their application. It was confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing. As the Tenant did not attend to pursue the application, their application is dismissed

The Landlord stated that they could not recall when the tenancy started and that the Tenant has not moved out of the unit. The Landlord provided no evidence for this hearing including a copy of any notice to end tenancy. The Landlord states that they served the Tenant with a notice to end tenancy for cause dated February 6, 2023. It was noted that the Tenant’s application is dealing with two notices to end tenancy that were given to the Tenant on January 5, 2023. The Landlord states that they do not have a copy of the notice to end tenancy for cause given to the Tenant in January 2023 and are unable to upload a copy of this notice. Despite the dismissal of the Tenant’s application, as neither Party provided a copy of any notice to end tenancy the merits or form of any notice to end tenancy cannot be determined in order to issue an order of possession to the Landlord. The Landlord remains at liberty to make its own application seeking an order of possession. The Landlord became angry at learning this and

shouted many unclear statements with one clear statement that the arbitrator is responsible for a “mess”. The Landlord was cautioned about this behavior following which, and at about 11:07 a.m., the Landlord left the hearing. The conference call hearing was closed at 11:12.

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: May 08, 2023

Residential Tenancy Branch