



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding FRASER VALLEY INN  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, CNR

### Introduction

This hearing was scheduled to convene at 9:30 a.m. on August 1, 2023 concerning 2 applications made by the tenant which have been joined to be heard together. The first application seeks an order cancelling a notice to end the tenancy for cause. The second application seeks an order cancelling a notice to end the tenancy for unpaid rent or utilities.

One of the named landlords attended the hearing prepared to respond to the tenant's applications, and represented the other named landlords.

Another person joined the call, asked several questions, but refused to identify himself. After asking the person to identify himself several times, and continuous refusal to do so, I disconnected the person from the hearing. The line remained open while the telephone system was monitored until 9:50 a.m. and no one for the tenant joined the call. Therefore, I dismiss the tenant's applications without leave to reapply.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy, I must grant an order of possession in favour of the landlord, so long as the notice given is in the approved form.

The landlord advised that the tenant had not served the landlord with the hearing notice or any evidence, and the landlord has not served the tenant with any evidence. Any evidence that a party wishes to rely on must be provided to the other party, even if they already have a copy; it is important for all parties to know what evidence is before me. Since no one has exchanged evidence, I decline to consider any of it. Therefore, I cannot be satisfied that any notice given to the tenant is in the approved form, and I decline to grant an order of possession in favour of the landlord.

Conclusion

For the reasons set out above, both applications of the tenant are 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: August 01, 2023

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Residential Tenancy Branch