



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, OLC, FFT

### Introduction

This hearing was scheduled to convene at 9:30 a.m. on January 11, 2024 concerning an application made by the tenant seeking an order cancelling a notice to end the tenancy for unpaid rent or utilities; an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing prepared to respond to the tenant's application, and gave affirmed testimony. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony, and no one for the tenant joined the call. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The landlord testified that the tenant vacated the rental unit on or about December 31, 2023 without paying rent for 2 months, and seeks a monetary order for the unpaid rent. The landlord also testified that neither the tenant nor the landlord have exchanged any evidence. Therefore, I cannot consider any evidence provided by either party.

The *Residential Tenancy Act* states:

- 55** (1) 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
- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
  - (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

(1.1) If an application referred to in subsection (1) is in relation to a landlord's notice to end a tenancy under section 46 [*landlord's notice: non-payment of rent*], and the circumstances referred to in subsection (1) (a) and (b) of this section apply, the director must grant an order requiring the payment of the unpaid rent.

Since I cannot be satisfied that the notice to end the tenancy given by the landlord is in the approved form, I cannot grant an order of possession or an order requiring the payment of the unpaid rent in favour of the landlord. The landlord is free to make an application but must serve the tenant.

### 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: January 11, 2024

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Residential Tenancy Branch