



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding JIN HUH DEVELOPMENT INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNQ, MNDCT, OLC, FFT

Introduction

This hearing was scheduled to convene at 1:00 p.m. on October 1, 2024 concerning an application made by the tenant, seeking an order cancelling a Two Month Notice to End Tenancy; a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement; an order that the landlord comply with the *Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

The tenant attended the hearing, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the landlord joined the call.

I questioned the tenant about service of the Notice of Dispute Resolution Proceeding upon the landlord, to which the tenant replied that the tenant has not served the landlord. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The law states that where I dismiss a tenant's application to cancel a Notice to end a tenancy given by a landlord, I must grant an order of possession in favour of the landlord, so long as the Notice given is in the approved form. The tenant has provided a copy of a Two Month Notice to End Tenancy For Landlord's Use of Property, which is not in the approved form. The law changed on July 18, 2024 which requires a landlord to serve a Four Months Notice to End Tenancy. Therefore, I decline to provide the landlord with an order of possession.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

No order of possession in favour of the landlord is granted.

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: October 01, 2024

Residential Tenancy Branch