

DECISION

Dispute Codes CNC O

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to cancel a notice to end tenancy for cause.

The applicant Tenant did not appear at the scheduled hearing however the respondent Landlord appeared, was provided the opportunity to present her evidence orally, in writing, and in documentary form.

Issues(s) to be Decided

Is the Tenant entitled to an Order to cancel the notice to end tenancy under section 47 of the *Residential Tenancy Act*?

Background and Evidence

The respondent Landlord submitted documentary evidence which included, among other things, copies of 1 Month Notice to End Tenancy for cause, a residential tenancy agreement, and copies of several fines issued to the Tenant for noise violations.

The Landlord testified that she attended today's hearing to request an Order of Possession so she could proceed in having the Tenant removed from the rental unit. The Landlord confirmed that the caretaker served the Tenant with the 1 Month Notice to End Tenancy by posting the notice on the door on March 22, 2010, at 10:00 a.m. as supported by the signed proof of service document provided in the Landlord's evidence.

Analysis

All of the testimony and documentary evidence was carefully considered.

Upon review of the 1 Month Notice Notice to End Tenancy, I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the Tenant in a manner that complies with the Act. Upon consideration of all the evidence presented to me, I find the Landlord had valid reasons for issuing the Notice.

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. Based on the aforementioned I find that the Tenant has failed to present the merits of her application and the application is dismissed.

Section 55 of the Act provides that an Order of Possession must be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.

I HEREBY FIND that the landlord is entitled to an Order of Possession effective **2 days upon service on the Tenant**. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

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: May 10, 2010.

Dispute Resolution Officer