



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      MT, CNC

### Introduction

This was an application by the tenant to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord called in and participated in the hearing but the tenant did not attend although it was the hearing of the tenant's application.

### Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?  
Is the landlord entitled to an order for possession as requested?

### Background and Evidence

The rental unit is a room in a rooming house with shared facilities. The landlord's agent personally served the tenant with a one month Notice to End Tenancy for cause on December 23, 2010. The Notice required the tenant to vacate the rental unit on February 1, 2011. The Notice alleged, among other matters, that the tenant has that the tenant has significantly interfered with or unreasonably disturbed other occupants of the residential property.

The tenant applied to dispute the Notice on January 11, 2011. He claimed to have received the Notice to End Tenancy on December 31, 2011, but he did not say how he was served with the application.

### Analysis and Conclusion

The tenant had not appeared at the hearing of his application by 10:45 A.M. In the absence of an appearance by the applicant, I dismiss his application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides as follows:

**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 an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

Dated: February 08, 2011.

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