



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application pursuant to section 47 of the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice).

The Respondent (the landlord) appeared at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 3:14 p.m. to enable her to connect with this teleconference hearing.

The landlord testified that he posted the 1 Month Notice on the tenant's door on January 30, 2012. He entered into written evidence a copy of that Notice. The landlord identified February 29, 2012 as the effective date to end the tenancy in that Notice. At the hearing, the landlord requested an Order of Possession if the tenants' application for cancellation of the Notice to End Tenancy were dismissed.

### Background

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** *The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.*

Section 55(1) of the *Act* reads 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.*

In the landlord's Notice, the landlord identified the following grounds for ending this tenancy for cause.

*Tenant or a person permitted on the property by the tenant has:*

- *significantly interfered with or unreasonably disturbed another occupant or the landlord;*
- *seriously jeopardized the health or safety or lawful right of another occupant or the landlord;...*

*Tenant has engaged in illegal activity that has, or is likely to:...*

- *adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord;*

Although the landlord provided no evidence to support the assertion that there was illegal activity occurring on the premises, I am satisfied on the basis of the landlord's evidence that there was sufficient reason to issue the 1 Month Notice on the basis of the first two grounds outlined above.

The landlord also said that the tenant had notified him that she intended to vacate the rental unit by February 29, 2012 and in accordance with the 1 Month Notice. He said that she had told him that she was no longer seeking a cancellation of the 1 Month Notice.

#### Analysis

**In the absence of any evidence or submissions from the applicants, I order the application dismissed without liberty to reapply.**

Based on my decision to dismiss the tenant's application for dispute resolution, I find that this tenancy ends on February 29, 2012, the effective date of the 1 Month Notice. The landlord is provided with a formal copy of an Order of Possession effective at twelve o'clock in the afternoon on February 29, 2012. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

#### Conclusion

I dismiss the tenant's application for dispute resolution without leave to reapply. The landlord is provided with a formal copy of an Order of Possession effective by 12:00 p.m. on February 29, 2012. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: February 17, 2012

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Residential Tenancy Branch