



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, FF / OPC

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for cause / and recovery of the filing fee. The landlord / respondent was present at the scheduled start time of the hearing which was 9:30 a.m. on March 27, 2012. However, as at 9:40 a.m. the tenant / applicant had still not appeared. In the absence of the tenant, the landlord gave affirmed testimony and made an oral request for an order of possession.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the six (6) month term of tenancy is from November 1, 2011 to April 30, 2012. Thereafter, the tenancy agreement provides that the tenancy continues on a month-to-month basis. Monthly rent of \$1,224.00 is payable in advance on the first day of each month, and a security deposit of \$600.00 was collected.

The landlord issued a 1 month notice to end tenancy for cause dated March 6, 2012. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is April 30, 2012, and reasons shown on the notice for its issuance are as follows:

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

The tenant filed an application to dispute the notice on March 8, 2012, however, the tenant did not attend the hearing scheduled in response to her application.

Analysis

Section 55 of the Act addresses **Order of possession for the landlord**, and provides in part:

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,...

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the landlord has established entitlement to an order of possession.

In the absence of the tenant's appearance and testimony at the hearing scheduled in response to her application, the tenant's application is hereby dismissed.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **1:00 p.m., Monday, April 30, 2012**. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: March 27, 2012.

Residential Tenancy Branch