



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, MNDC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 1 Month Notice pursuant to section 47; and
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67.

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 11:15 a.m. to enable her to connect with this teleconference hearing scheduled for 11:00 a.m.

The female landlord (the landlord) testified that she handed the tenant the 1 Month Notice on April 16, 2012. This was acknowledged in the tenant's application for dispute resolution where she requested more time to make her application to dispute the notice to end tenancy that she stated she received on April 16, 2012. The tenant entered into written evidence a copy of that Notice. The landlord identified May 31, 2012 as the effective date to end the tenancy in that Notice. At the hearing, the landlord requested an Order of Possession if the tenant's application for cancellation of the 1 Month Notice 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 a number of grounds for ending this tenancy for cause. One of these reasons was the landlord's assertion that the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord. The landlord's written and sworn oral testimony identified the ways that the tenant has significantly interfered with and unreasonably disturbed occupants in the building and the landlord.

Analysis

The tenant did not supply sufficient evidence to explain why she needed an extension of time to file her application for dispute resolution. She filed her original application on May 8, 2012 and amended her application to add her request for the cancellation of the landlord's 1 Month Notice on May 10, 2012. Both of these applications were submitted well after the expiration of the 10-day time period for filing an application to cancel the landlord's 1 Month Notice. Under these circumstances and as the tenant failed to participate in the hearing, I order the tenant's 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 May 31, 2012. In the event that the tenant has not vacated the rental unit by that date, I provide the landlord with the requested copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). 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. I issue an Order of Possession in the landlords' favour.

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 30, 2012

Residential Tenancy Branch