



# Dispute Resolution Services

Page: 1

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 Applicants did not, although I waited until 9:48 a.m. to enable him to attend the Burnaby Office of the Residential Tenancy Branch for the scheduled 9:30 a.m. hearing.

Landlord representative GM (the landlord) testified that one of his staff posted a 1 Month Notice to End Tenancy for Cause (the Notice) on the tenant's door on August 20, 2012. A copy of that Notice was entered into written evidence for this hearing. The landlord identified October 1, 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;*
- *put the landlord's property at significant risk.*

In addition to the landlord's sworn oral testimony at this hearing, the landlord also submitted written and photographic evidence to support his contention that the tenancy should be ended for cause.

#### Analysis

**In the absence of evidence or submissions from the applicant and his failure to attend at this scheduled hearing, I order the application dismissed without liberty to reapply.**

Based on my decision to dismiss the tenants' application for dispute resolution, I find that this tenancy ends on October 1, 2012. The landlord is provided with a formal copy of an Order of Possession effective at one o'clock in the afternoon on October 1, 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. I issue an Order of Possession in the landlord's 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: September 27, 2012

---

Residential Tenancy Branch