



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, O

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause and for "other".

The Agent for the Landlord with the initials "D.E." stated that copies of the Application for Dispute Resolution and Notice of Hearing were delivered to the Landlord's place of business on November 01, 2012.

The Agent for the Landlord with the initials "D.E." stated that a copy of the Landlord's evidence package was served to the Tenant, via registered mail, on November 16, 2012 and the package was accepted as evidence for these proceedings.

The hearing was scheduled to begin at 1:00 p.m. on this date; the Landlord was represented when the hearing commenced at 1:03 p.m.; but the Tenant had not appeared by the time the hearing was concluded at 1:13 p.m.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The Agent for the Landlord with the initials "D.E." stated that he posted a One Month Notice to End Tenancy for Cause on the door of the rental unit on October 22, 2012, a copy of which was submitted in evidence by the Landlord. The Notice declared that the Tenant must vacate the rental unit by November 30, 2012. The reasons cited on the Notice to End Tenancy for ending the tenancy were that the Tenant or a person permitted on the property by the Tenant has significantly interfered with or unreasonably disturbed another occupant or the Landlord; that the Tenant or a person permitted on the property by the Tenant has put the Landlord's property at significant risk; and that the Tenant or a person permitted on the property by the Tenant has seriously jeopardized the health or safety or lawful right of another occupant or the Landlord.

The Tenant did not attend the hearing to support the application to set aside the Notice to End Tenancy.

Prior to the conclusion of the hearing the Agent for the Landlord with the initials "D.E." requested an Order of Possession.

Analysis

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Conclusion

As Application for Dispute Resolution has been dismissed and the Landlord requested an Order of Possession at the hearing, an Order of Possession is granted pursuant to section 55(1) of the *Act*. This Order will be effective two days after it is served upon the Tenant. The Order may be served on the Tenant, filed with 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 *Act*.

Dated: December 04, 2012.

Residential Tenancy Branch