



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Analysis

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling the landlord's 1 Month Notice to End Tenancy for Cause (the "Notice")

The hearing began at 2:30 p.m. as scheduled and the telephone system remained open and was monitored for 10 minutes. During this time, the applicant/tenant did not dial into the telephone conference call hearing; however the respondent/landlord dialed into the telephone conference call hearing and was ready to proceed.

The landlord submitted written evidence for the hearing, requesting an order of possession for the rental unit and reaffirmed this request at the hearing.

I note that neither party submitted a copy of the 1 Month Notice to End Tenancy for Cause in advance of the hearing; however, I questioned the landlord about the content of the Notice, and provided the landlord an opportunity to telefax the Notice to me after the hearing, with the proviso that the document must be received by the close of business the following day. The landlord did comply with this request and when received, the Notice verified the landlord's testimony.

Conclusion

In the absence of the tenant to present his claim, pursuant to section 10.1 of the Residential Tenancy Branch Rules of Procedure (Rules), I dismiss the tenant's application, without leave to reapply.

Pursuant to section 55(1) of the Act, upon the landlord's request after dismissing the tenant's application for dispute resolution, I grant the landlord an order of possession for the rental unit effective 2 days after service upon the tenant.

This final, legally binding order of possession is enclosed with the landlord's Decision.

Should the tenant fail to vacate the rental unit pursuant to the terms of the order, this order may be filed in the Supreme Court of British Columbia for enforcement 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* and is being mailed to both the applicant and the respondent.

Dated: April 11, 2013

Residential Tenancy Branch