



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, RP, RR

Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for cause and for other unrelated relief, including a monetary order, a repair order and a rent reduction. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not attend, although it was the hearing of his application.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled? Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a mobile home located on the landlord's property in Delta. The tenancy began in January, 2013. The landlord testified that she gave the tenant a one month Notice to End Tenancy for cause on March 20, 2013 because there has been conflict with the tenant and altercations that have caused the landlord to feel frightened and intimidated by the tenant. The landlord testified that the Notice to End Tenancy given to the tenant required him to move out of the rental property by May 1, 2013. The landlord provided a copy of the Notice to End Tenancy in different terms than the one she gave to the tenant. The tenant did not submit documentary evidence and did not provide a copy of the Notice to End Tenancy, but he clearly received a Notice to End Tenancy that identified the landlord and required him to move out of the rental unit because he applied to dispute it and he did not raise any issue about the form of the Notice to End Tenancy in his application for dispute resolution.

The hearing continued for more than 15 minutes without an appearance by the tenant.

Analysis and conclusion

The tenant had not appeared at the hearing of his application by 2:45 P.M. In the absence of an appearance by the applicant, I dismiss his application for dispute resolution without leave to reapply.

Section 55 of the *Residential Tenancy Act* provides 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.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. I find that the tenant was served with a valid Notice to End Tenancy that required him to move out of the rental unit by May 1, 2013. The landlord made an oral request for an order of possession at the hearing. Pursuant to section 55 I grant the landlord an order for possession effective May, 1, 2013 after service upon the tenant. This order may be registered in the Supreme Court 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: April 19, 2013

Residential Tenancy Branch