



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNC

### 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; and
- cancellation of the landlord's 1 Month pursuant to section 47.

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 3:22 p.m. to enable him to connect with this teleconference hearing.

The landlord testified that he handed the male tenant the 1 Month Notice on September 29, 2013. A copy of the 1 Month Notice was entered into written evidence. The landlord identified October 31, 2013, as the effective date to end the tenancy in that Notice. At the hearing, the landlord requested an Order of Possession to take effect on January 31, 2014, if the tenant's application for cancellation of the 1 Month Notice to 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. I also note that the tenant's application to cancel the 1 Month Notice was submitted to the Residential Tenancy Branch on October 18, 2013, beyond the 10 day period for applying to cancel a 1 Month Notice.

#### Analysis

**In the absence of any attendance at this hearing by the Applicant, I order the 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 by January 31, 2014, the date identified by the landlord at this hearing. The landlord is provided with a formal copy of an Order of Possession effective at one o'clock in the afternoon on January 31, 2014. Should the tenant 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 to take effect by 1:00 p.m. on January 31, 2014.

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: December 02, 2013

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Residential Tenancy Branch

