



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

The tenant applied to cancel a 1 month Notice to end tenancy for cause issued on January 27, 2014.

The landlord's 2 agents attended the hearing at the scheduled start time of the conference call. Agent S.M. provided affirmed testimony that yesterday he went to the tenant's unit and that the tenant told him he had applied for today's hearing; the tenant showed the agent the hearing documents. S.M. recorded the hearing details, told the tenant he would be at the hearing and shared the hearing details with the 2nd agent.

The landlord's agents provided affirmed testimony that the landlord was not formally served with notice of the hearing. The landlord confirmed that the service address on the tenant's application was correct, but that no hearing documents or evidence had been received.

Discussion took place in relation to jurisdiction of this tenancy; the tenant has lived in the unit for at least 5 years and perhaps 7 years.

This matter was set for hearing at 10:30 a.m. on this date. The tenant did not attend and at 10:50 a.m. the hearing was ended.

Residential Tenancy Branch Rules of Procedure provide:

Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I find that the tenant provided an agent for the landlord notice of the hearing by showing the agent the hearing documents and allowing the agent to record the hearing details.

In the absence of an appearance by the tenant this application is abandoned and dismissed.

The landlord requested an Order of possession.

Section 55(1) of the Act provides:

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.*

Therefore, as the tenant's application is dismissed I find, pursuant to section 55 of the Act, that the landlord is entitled to an Order of possession.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion

The tenant's application is dismissed.

The landlord is entitled to an Order of possession.

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: March 27, 2014

Residential Tenancy Branch

