



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GATEWAY PROPERTY MANAGEMENT  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC, FF

### Introduction

This hearing was set for a telephone conference call in response to an Application for Dispute Resolution (the “Application”) made the Tenant to cancel a notice to end tenancy for cause and to recover the filing fee from the Landlord.

An agent for the Landlord and the building manager who issued the notice to end tenancy appeared for the hearing and provided affirmed testimony during the hearing.

The building manager testified that the Tenant had been personally served with a 1 Month Notice to End Tenancy for Cause (the “Notice”) on January 31, 2014 with an effective vacancy date of February 28, 2014. The Landlord’s agent testified that the Tenant is required to pay rent on the first day of each month.

### Analysis & Conclusion

The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing were the Respondents.

Rule 10.1 of the Dispute Resolution Proceedings Rules of Procedure states that 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

As the Applicant did not attend the hearing by 1:40 p.m., and the Respondents appeared and were ready to proceed, I dismiss the Tenant’s Application **without** leave to reapply.

During the hearing the Landlord’s agent made a verbal request for an Order of Possession pursuant to Section 55(1) (a) of the *Residential Tenancy Act* (the “Act”) which states:

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.

As the Tenant's Application has been dismissed and the Landlord made an oral request for an Order of Possession, I grant the Landlord an Order of Possession.

I accept the Landlord's testimony that the Tenant was personally served with the Notice on January 31, 2014. As the effective date of vacancy on the Notice has now passed, the Order of Possession is effective 2 days after service on the Tenant. This order may be filed and enforced in the Supreme Court as an order of that court for enforcement.

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 26, 2014

---

Residential Tenancy Branch

