



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Silver and Avalon Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord's representative called in at the appointed time. The tenant did not call and did not participate in the hearing although this was the hearing of his application

Issue(s) to be Decided

Should the Notice to End Tenancy dated February 5, 2014 be cancelled?

Background and Evidence

The tenant was served with a one month Notice to End Tenancy for cause on February 5, 2014. The cause alleged is that the tenant has seriously interfered with or unreasonably disturbed another occupant or the landlord and has seriously jeopardized the health or safety or lawful right of another occupant. The landlord submitted documentary evidence with respect to an incident on February 4, 2014 when it was alleged that the tenant assaulted another occupant of the rental property. In his application for dispute resolution filed on February 14, 2014 the tenant denied that he assaulted another occupant. The landlord's documents, including statements from witnesses with respect to the incident were received on March 12, 2014 and copies were given to the tenant. The tenant did not respond to this evidence.

Analysis

This hearing commenced at 1:00 P.M. The tenant had not appeared at the hearing of his application by 1:10 P.M. A tenant who disputes a Notice to End Tenancy must attend the scheduled hearing to respond to the grounds alleged by the landlord for

seeking to end the tenancy. In the absence of an appearance by the applicant at this hearing, 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.

Conclusion

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. 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 two days 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 04, 2014

Residential Tenancy Branch

