



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This was the hearing of an application by the tenant to cancel a one month Notice to End Tenancy for cause. The hearing was conducted by conference call. The landlord and his representative called in to the hearing at the appointed time. The tenant did not attend although this was the hearing of her application and although the hearing was kept open for more than 15 minutes after the scheduled start time for the hearing.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

The rental unit is a suite in a residential property in Surrey. On April 15, 2014 the landlord served the tenant with a one month Notice to End Tenancy for cause. The tenant filed an application to dispute the Notice to End Tenancy on April 22, 2014. She served the landlord with the application for dispute resolution and notice of this hearing, however, she did not attend the hearing.

The Notice to End Tenancy given to the tenant was on an old form that was replaced several years ago. The Notice to End Tenancy form used by the landlord does contain correct references to the legislation and time limits. The tenant applied to dispute the Notice to End Tenancy and I therefore find that she was not prejudiced by the landlord's failure to use the current version of the form.

Analysis

The tenant did not appear at the hearing of her application for dispute resolution. In the absence of an appearance by the applicant, I dismiss this 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: June 12, 2014

Residential Tenancy Branch

