



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, MT, FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause, for more time to apply to cancel a Notice to End Tenancy, and to recover the fee for filing this Application for Dispute Resolution.

On February 19, 2015 the Landlord submitted documents to the Residential Tenancy Branch, which the Landlord wishes to rely upon as evidence. The Landlord stated that he personally served these documents to the Tenant on February 20, 2015. In the absence of evidence to the contrary, I accept that these documents were served to the Tenant and they were accepted as evidence for these proceedings.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside and should the Tenant be granted more time to apply to cancel the Notice to End Tenancy?

Background and Evidence

This hearing was scheduled to commence at 9:00 a.m. on February 26, 2015. The Landlord dialed into the teleconference at the scheduled start time but by the time the hearing was concluded at 9:11 a.m., the Tenant had not attended.

The Landlord stated that on January 21, 2015 he personally served the Tenant with a One Month Notice to End Tenancy for Cause. He stated that he did not keep a copy of this One Month Notice to End Tenancy but he believes it declared that the Tenant must vacate the rental unit by February 28, 2015,

The Landlord stated that the One Month Notice to End Tenancy that he submitted in evidence is not a duplicate of the Notice that he served to the Tenant on January 21, 2015. He stated that he created this Notice to End Tenancy simply because he did not

retain a copy of the one that was served on January 21, 2015. The Landlord was advised that this document has no evidentiary value, as it is not a copy of the Notice to End Tenancy the Tenant is disputing.

During the hearing the Landlord requested an Order of Possession for the upper unit of this residential address, which is the unit being occupied by the Tenant and the unit identified in the Notice to End Tenancy that was served to the Tenant.

Analysis

On the basis of the undisputed evidence, I find that on January 21, 2015 the Tenant received a One Month Notice to End Tenancy, which required him to vacate the rental unit by February 28, 2015.

I find that the Tenant failed to diligently pursue his Application for Dispute Resolution, as he did not attend the hearing in support of the Application. I therefore dismiss the Application for Dispute Resolution, without leave to reapply.

Conclusion

As I have dismissed the Tenant's application to set aside the One Month Notice to End Tenancy, I grant the Landlord an Order of Possession, as requested at the hearing, pursuant to section 55(1) of the *Act*. This Order will be effective at 1:00 p.m. on February 28, 2015.

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: February 26, 2015

Residential Tenancy Branch

