



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding REGENT HOTEL  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenant on September 18, 2015 to cancel a 1 Month Notice to End Tenancy for Cause (the "Notice").

An agent for the company Landlord, the property manager and a witness appeared for the hearing and provided affirmed testimony. The parties also provided a copy of the Notice into evidence. However, there was no appearance for the Tenant during the ten minute duration of the hearing.

As the Tenant failed to appear for the hearing and parties for the Landlord appeared and were ready to proceed, I determined that the Tenant failed to present the merits of the Application. Therefore, I dismissed the Application **without** leave to re-apply. The Landlord made an oral request for an Order of Possession during the hearing based on the following evidence.

The Landlord's agent testified that the property manager and the witness personally served the Tenant with the Notice on August 31, 2015. The property manager and the witness confirmed service of the Notice in this manner. The Notice had a vacancy date of September 30, 2015. The Landlord's agent confirmed that there were no rental arrears in the tenancy.

The Landlord's agent provided written submissions that pursuant to Section 47(4) and (5) of the *Residential Tenancy Act* (the "Act") the Tenant had failed to dispute the Notice within the ten day time limit. Therefore, the Tenant was presumed to have accepted the tenancy ended on the vacancy date of the Notice.

Section 55(1) of the Act states that if a tenant makes an Application to dispute a Notice and the Application is dismissed, the Arbitrator must grant an Order of Possession if the landlord makes an oral request during the hearing.

As the Landlord made an oral request, I grant the Landlord an Order of Possession pursuant to Section 55(1) of the Act. As there are no rental arrears in this tenancy I provide the Landlord with an Order of Possession which is effective at 1:00 p.m. on November 30, 2015. If the Tenant fails to vacate the rental unit on this date and time, the order may be enforced in the Supreme Court as an order of that court. Copies of the order are attached to the Landlord's copy of this decision for service on the Tenant.

### Conclusion

I dismiss the Tenant's Application without leave to re-apply as the Tenant failed to appear for the hearing and present the merits of the Application. The Landlord is granted an Order of Possession following an oral request during the hearing which is effective at the end of November 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: November 18, 2015

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Residential Tenancy Branch

