



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant for an order cancelling the landlord's 1 Month Notice to End Tenancy dated September 21, 2015. The landlord made a verbal request for an order of possession at the hearing.

The tenant did not appear for the hearing despite being the applicant. As a result, the tenant's application is hereby dismissed without leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began approximately 7 years ago. On September 21, 2015 the landlord served the tenant with a 1 month Notice to End Tenancy for Cause. The cause indicated on the Notice is repeated late payment of rent. The tenant disputed the Notice by filing an Application for dispute Resolution with the RTB on September 28, 2015.

In support of its case, the landlord filed documentation showing that the tenant had been repeatedly served with 10 Day Notices to End Tenancy over the past few years and in 2015 alone the tenant had been served with five such Notices.

Analysis

Section 47(3) of the Act says that a tenant may dispute a 1 Month Notice to End Tenancy by making an application for dispute resolution within 10 days after the date the tenant receives the notice. Section 47(5) then goes on to say that if a tenant who has received a notice does not file an application the tenant is conclusively presumed to

have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

In the present case, the tenant did dispute the Notice but then failed to show for the hearing to present his application. As a result, the tenant's situation is as if he had not made the application and therefore he is presumed to have accepted that the tenancy is at an end.

The landlord advised at the hearing that the tenant has already begun removing his things from the rental unit but that they wished to have an order of possession just in case he ultimately fails to vacate the unit.

Based on the evidence before me I am satisfied that the landlord is entitled to an order of possession as requested.

Conclusion

The tenant's application is dismissed.

The landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed 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: November 30, 2015

Residential Tenancy Branch

