



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE, FF

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 December 1, 2015 to cancel a notice to end tenancy because the Tenant’s employment had been ended with the Landlord. The Tenant also applied to recover the filing fee.

The Landlord appeared for the hearing and provided affirmed testimony. However, there was no appearance for the Tenant during the 14 minute duration of the hearing. As the Tenant Applicant failed to appear for the hearing and the Landlord Respondent appeared and was ready to proceed, I determined that the Tenant failed to present the merits of the Application. Therefore, I dismissed the Tenant’s Application **without** leave to re-apply.

The Landlord explained during the hearing that he had resolved the dispute with the Tenant and that the Tenant had agreed to move out of the rental unit on March 1, 2016. The Landlord requested an Order of Possession for this date during the hearing.

The Landlord testified the Tenant was with served with a 1 Month Notice to End Tenancy for End of Employment (the “Notice”) on November 1, 2015 by posting it to the Tenant’s door. The Notice, which was provided into evidence by the Tenant, had a vacancy date of December 31, 2015. However, the Tenant still remains in the rental unit at the time of this hearing. The Landlord confirmed that there were no rental arrears in this tenancy and that the rental unit had been provided to the Tenant as part of an employment arrangement that had since ended.

Section 55(1) of the *Residential Tenancy Act* (the “Act”) states that if a tenant makes an Application to dispute a Notice the Arbitrator **must** grant an Order of Possession if the Notice complies with the Act and the tenant’s application is dismissed.

Having examined the Notice, I find the form used by the Landlord and the contents of Notice complied with Section 52 of the Act. Therefore, as the Tenant's Application is dismissed, I must grant the Landlord an Order of Possession.

As the Tenant is not in any rental arrears and the Landlord requested the order be effective at 1:00 p.m. on March 1, 2016 as the agreed date to end this tenancy, I grant the Landlord an Order of Possession effective for this date and time.

If the Tenant fails to vacate the rental unit on this date and time, the order may be enforced in the Supreme Court of British Columbia 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 which is effective on March 1, 2016 pursuant to the Act.

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: January 25, 2016

Residential Tenancy Branch

