



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date concerning an application made by the tenant for an order cancelling a notice to end the tenancy for cause and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing prepared to respond to the tenant's application, however no one for the tenant attended. The line remained open while the phone system was monitored for in excess of 10 minutes and the only participant who joined the call was the landlord. Therefore, I dismiss the tenant's application without leave to reapply.

Section 55 (1) of the *Residential Tenancy Act* states:

Order of possession for the landlord

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 to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have reviewed the 1 Month Notice to End Tenancy for Cause provided by the tenant with the Tenant's Application for Dispute Resolution, and I find that it is in the approved form and contains information required by the *Act*. Having dismissed the tenant's application, I hereby grant an Order of Possession in favour of the landlord. Since the effective date of vacancy has already passed, I grant the Order of Possession on 2 days notice to the tenant.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed without leave to reapply.

I hereby grant an Order of Possession in favour of the landlord on 2 days notice to the tenant.

This order is final and binding and may be enforced.

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 02, 2016

Residential Tenancy Branch

