



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Leed Enterprises  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes: MT, CNC, OLC

### Introduction

In response to an application by the tenant, this hearing was scheduled to commence at 11:00 a.m. on March 22, 2016 by way of telephone conference call. The landlord was present at that time and gave affirmed testimony, however, as the tenant had still not appeared by 11:10 a.m. the hearing was then ended.

In his application the tenant seeks more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy for cause / and an order instructing the landlord to comply with the Act, Regulation or tenancy agreement. During the hearing the landlord confirmed that an order of possession is sought in the event that the tenant's application does not succeed.

### Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

The landlord testified that there is no written tenancy agreement in place for this tenancy. Monthly rent is \$700.00 and a security deposit of \$350.00 was collected.

Pursuant to section 47 of the Act which addresses **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated January 31, 2016. The notice was served by way of posting to the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is March 01, 2016. Reasons identified on the notice in support of its issuance are as follows:

Tenant has allowed an unreasonable number of occupants in the unit / site

Tenant or a person permitted on the property by the tenant has:

- seriously jeopardized the health or safety or lawful right of another occupant or the landlord

The tenant filed an application to dispute the notice on February 09, 2016.

The landlord testified that the tenant paid \$700.00 in rent for February 2016, and vacated the unit on March 02, 2016 without providing a forwarding address.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 1 month notice to end tenancy for cause dated January 31, 2016. While the tenant filed an application to dispute the notice within the 10 period available for doing so pursuant to section 47(4) of the Act, he subsequently vacated the unit on March 02, 2016, and failed to attend the hearing scheduled in response to his application to dispute the notice. Accordingly, I find that the tenant's application to have the notice set aside must be dismissed.

Section 55 of the Act addresses **Order of possession for the landlord**, in part:

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 subject 1 month notice to end tenancy for cause included in the tenant's application for dispute resolution, and I find that it is in the approved form and contains the information required by the Act. Having dismissed the tenant's application, I hereby grant an **order of possession** in favour of the landlord.

Finally, as the tenancy has now ended, the attention of the parties is drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

Conclusion

The tenant's application is hereby dismissed in its entirety.

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia 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: March 22, 2016

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Residential Tenancy Branch

