



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

On May 28, 2016, the Tenant submitted an Application for Dispute Resolution to cancel a 1 Month Notice To End Tenancy For Cause. The Landlord attended the teleconference hearing; however, the Tenant did not.

The Landlord testified that the Tenant served her with the Notice of Hearing on May 31, 2016.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Issues to be Decided

- Should the Tenant's Application be dismissed?
- Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord testified that the tenancy began on November 01, 2015, as a fixed term tenancy continuing until October 30, 2016. Rent in the amount of \$1,125.00 is payable on the first of each month. The Tenant paid a \$562.50 security deposit to the Landlord.

The Landlord issued the Tenant a 1 Month Notice to End Tenancy for Cause dated May 24, 2016, ("the Notice") by posting it on the Tenant's door on May 24, 2016. The reasons checked off by the Landlord within the Notice are as follows:

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

- significantly interfered with or unreasonably disturbed another occupant or the Landlord.

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

The Tenant has engaged in illegal activity that has or is likely to:

- adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the Landlord.
- jeopardize a lawful right or interest of another occupant or Landlord.

The Notice states the Tenant must move out of the rental unit by June 30, 2016. The Notice informed the Tenant that he has the right to dispute the Notice within 10 days after receiving it.

The Tenant disputed the Notice within the appropriate timelines and served the Landlord with Notice of the Hearing, but failed to attend the hearing.

The Landlord seeks an order of possession effective June 30, 2016.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant disputed the Notice but did not appear at the hearing.

The Tenant's application to cancel the 1 Month Notice To End Tenancy For Cause dated May 24, 2016, is dismissed without leave to reapply. The tenancy is ending at 1:00 p.m. on June 30, 2016.

Under section 55 of the Act, when a Tenant's application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

I find that the Notice complies with the requirements regarding form and content and I grant the Landlord an order of possession effective by 1:00 p.m. on June 30, 2016, after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant disputed the Notice but did not appear at the hearing. The Tenant's Application to cancel the Notice is dismissed without leave to reapply.

The Landlord is granted an order of possession effective at 1:00 p.m. on June 30, 2016,

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: June 28, 2016

Residential Tenancy Branch