



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THE BLOOM GROUP (DBA: NICHOLSON TOWER)
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") seeking to cancel a 1 Month Notice to End Tenancy for Cause dated April 26, 2016 (the "1 Month Notice").

Two agents for the respondent landlord and an advocate for the tenant (the "advocate") attended the teleconference hearing. The hearing was by conference call and began promptly as scheduled at 1:30 p.m. Pacific Time on Wednesday, June 1, 2016, as per the Notice of a Dispute Resolution Hearing (the "Notice of Hearing") provided to the tenant dated May 2, 2016. The line remained open while the phone system was monitored for 16 minutes and the only participants who called into the hearing during this time was two agents for the landlord a tenant advocate who was waiting for the tenant to call into the hearing. The agents testified that the tenant continues to occupy the rental unit.

The agents testified that the 1 Month Notice was served on April 26, 2016 by registered mail and by posting to the tenant's door. The advocate testified that the tenant received the 1 Month Notice on May 1, 2016. Section 90 of the *Act* states that documents served by registered mail are deemed served five days after they are mailed, which would be May 1, 2016. Pursuant to section 53 of the *Act*, the 1 Month Notice automatically corrects from an effective date of May 31, 2016 to June 30, 2016.

After the ten minute waiting period, the tenant's application was **dismissed in full, without leave to reapply**. Section 55 of the *Act* states:
Section 55 of the *Act* applies and 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.**

[my emphasis added]

Pursuant to section 55 of the *Act*, **I grant** the landlord an order of possession effective **June 30, 2016 at 1:00 p.m.** which must be served on the tenant.

Conclusion

The tenant's application has been dismissed in full, without leave to reapply.

The landlord has been granted an order of possession effective June 30, 2016 at 1:00 p.m. This order must be served on the tenant and may be enforced in the Supreme Court of British Columbia.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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 2, 2016

Residential Tenancy Branch