



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CAPITAL PROPERTIES  
and [tenant name suppressed to protect privacy]

## DECISION

**Dispute Codes**      CNR CNC

### **Introduction**

This hearing dealt with an Application pursuant to the *Residential Tenancy Act* (the Act) for Dispute Resolution by the tenant to cancel a 10 Day Notice to End for Unpaid Rent dated May 04, 2016 and to cancel a 1 Month Notice to End for Cause dated May 04, 2016.

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing after filing their application dated May 09, 2016. The tenant, however, did not attend the hearing set for today at 11:00 a.m. The phone line remained open for fifteen minutes and was monitored throughout this time. The only party to call into the hearing was the respondent landlord.

The landlord testified the tenant still resides in the rental unit and that they paid the rent referenced in the 10 Day Notice within the prescribed time to do so, on May 05, 2016. The landlord seeks an Order of Possession pursuant to the 1 Month Notice to End dated May 04, 2016 with an effective date of June 30, 2016.

### **Analysis and Conclusion**

Following the fifteen minute waiting period, the application of the tenant was **dismissed**, without leave to reapply.

**Section 55** of the Act states as follows.

#### **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 find the landlord's 1 Month Notice to End dated May 04, 2016 complies with Section 52 of the Act and is valid. As a result, I must grant the landlord an Order of Possession for the effective date of the Notice.

**I grant an Order of Possession to the landlord effective June 30, 2016.** The tenant must be served with this Order of Possession. 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 final and binding on both parties.**

*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 08, 2016

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Residential Tenancy Branch