



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the one month Notice to End Tenancy dated June 17, 2016 which set the end of tenancy date for July 31, 2016.

A hearing was conducted by conference call in the presence of the respondent and in the absence of the applicant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The applicant served a monetary order worksheet on the landlord but did not include the Application for Dispute Resolution and Notice to Hearing. The landlord was able to determine the date and the nature of the hearing by checking with the Residential Tenancy Branch. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated June 17, 2016 which set the end of tenancy date for July 31, 2016?

Background and Evidence

The tenancy began on July 1, 1991. The tenant paid a security deposit of \$310 on June 3, 1991. The present rent is \$1147 per month payable in advance on the first day of each month. On July 4, 2016 the tenant gave the landlord written notice that she was vacating the rental unit on July 31, 2016.

Analysis - Grounds for Termination:

The Notice to End Tenancy relies on the following:

- Breach of a material term of the tenancy agreement that was not corrected within a reasonable time after written notice to do so

The issue relates to the presence of a small dog which is contrary to the tenancy agreement.

Analysis:

The tenant failed to attend the hearing. The landlord was present and ready to proceed. The tenant has given written notice that she is vacating on the end of tenancy date on July 31, 2016. It does not appear the tenant is interested in disputing the Notice to End Tenancy. The landlord presented sufficient evidence to establish cause to end the tenancy.

Determination and Orders:

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. As a result I dismissed the tenant's application to cancel the 1 month Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession effective July 31, 2016.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: July 25, 2016

Residential Tenancy Branch

