



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1057151 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes cnc

Introduction

The tenant applies for an order to cancel a one month Notice to End Tenancy.

The tenant failed to attend the hearing. The landlord was represented.

Issue(s) to be decided

1. What is the effect of the tenant not attending this hearing?
2. Is the landlord entitled to an Order of Possession?

Background and Evidence

On June 28, 2016, the landlord served the tenant a one month Notice to End Tenancy, effective to end this tenancy for cause on July 31, 2016, related to the tenant having smoked marijuana in the premises, which had adversely affected a neighbouring tenant. On July 4, 2016, the tenant applied for an order that this notice be cancelled. The tenant did not attend the scheduled hearing, however. The tenant continues to reside in the premises.

The landlord's representative confirmed that rent for August was received from the tenant, and was accepted by the landlord. The landlord seeks an Order of Possession effective August 31, 2016.

Analysis

In the absence of any submissions or testimony at the hearing from the tenant upon which to make a decision, and as the landlord attended, I have dismissed the tenant's application, with no liberty to reapply being granted.

Section 55 (1) of the Residential Tenancy Act provides that 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 the landlord's notice is proper as to form and content, and the tenant's application to cancel the Notice is dismissed. I have reviewed the form and content of the notice, and find it to be proper. Having dismissed the tenant's claim, all required conditions for an Order of Possession are met. Given that the hearing was not scheduled to be heard until August 15, the payment of rent for August did not reinstate the tenancy, but rather served to

extend the tenancy to August 31. Accordingly, an Order of Possession is granted to the landlord, effective August 31, 2016..

Conclusion

The tenant's claim is dismissed in full. Pursuant to Section 55 of the Residential Tenancy Act, I issue an Order of Possession, effective August 31, 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: August 15, 2016

Residential Tenancy Branch