



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

CNC

### **Introduction**

The tenant has applied to cancel a one month Notice to end tenancy for cause that was issued on June 29, 2016.

The landlord attended the hearing at the scheduled start time of 11:00 a.m.

After 19 minutes the tenant had not yet entered the conference call.

Residential Tenancy Branch Rules of Procedure provides:

#### ***7.1 Commencement of the dispute resolution hearing***

*The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.*

#### ***7.3 Consequences of not attending the hearing***

*If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.*

In the absence of an appearance of the tenant by 11:19 a.m. this application is abandoned and dismissed without leave to reapply as the July 31, 2016 effective date of the Notice has passed.

Section 55(1) of the Act provides:

**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.*

The landlord provided a previous file number (indicated on the cover page of this decision.) The process had been initiated via Direct Request. A review consideration application was then filed by the tenant. This was followed by a participatory hearing held on August 22, 2016. A decision was issued on that date, providing the landlord with an order of possession and monetary order for unpaid rent.

Therefore, as the tenants' application is dismissed I find that the landlord must be issued an order of possession. Even though the tenancy has been ended by an order issued on August 22, 2016 I find that the landlord must be issued an order based on the earlier one month Notice to end tenancy for cause.

### Conclusion

The application is dismissed.

The landlord is entitled to an order of possession.

This decision is final and binding 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: August 29, 2016

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Residential Tenancy Branch