



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Bosa Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, MNSD, FF

### Introduction

This was a hearing with respect to the tenant's application to cancel a one month Notice to End Tenancy for landlord's use. The hearing was conducted by conference call. The landlord's representatives called in and participated in the hearing. The tenant did not attend, although this was the hearing of the tenant's application.

### Issue(s) to be Decided

Should the Notice to End Tenancy dated August 10, 2016 be cancelled?  
Is the landlord entitled to an order of possession?  
Is the tenant entitled to the return of his security deposit?

### Background and Evidence

The rental unit is an apartment in Vancouver. The tenancy began April 1, 2016 on a month to month basis. The monthly rent was \$1,425.00 and the tenant paid a security deposit of \$712.50 before the tenancy began.

The landlord served the tenant with a one month Notice to End Tenancy for cause dated August 10, 2016. On August 24, 2016 the tenant filed an application for dispute resolution to dispute the Notice to End Tenancy.

The landlord's representative testified at the hearing that the tenant abandoned the rental unit and moved out approximately one month ago. He did not return the keys. He caused extensive damage and left the rental unit in a shambles. The tenant's whereabouts are unknown. The landlord has not acted to retake possession of the rental unit and the landlord's representative requested an order of possession.

### Analysis

The tenant was served with a one month Notice to End Tenancy in the proper form as required by section 52 of the *Residential Tenancy Act*. The tenant applied to dispute the Notice to End Tenancy, but did not attend the hearing. He has abandoned the unit. In the absence of an appearance by the tenant at the hearing his application for dispute resolution is dismissed without leave to reapply. Section 55 of the *Residential Tenancy Act* provides as follows:

- 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 tenant's application has been dismissed; the Notice given by the landlord complies with section 52. Accordingly I grant the landlord an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that court. I make no order with respect to the security deposit.

### Conclusion

The tenant's application has been dismissed and the landlord has been granted an order of possession.

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: October 18, 2016

---

Residential Tenancy Branch

