



Residential Tenancy Branch

RTB-136

A matter regarding Fisgard Apts
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

CNC

This is an application brought by the tenant requesting an Order cancelling a Notice to End Tenancy.

No hearing was held however because even though I waited until well past the time at which the hearing was to start, no one joined the conference call that was set up for the hearing.

Section 55 of the Residential Tenancy Act states:

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.

In this case I have examined the Notice to End Tenancy and it is my finding that it does comply with section 52 of the Act.

Conclusion

Since the end of tenancy date established by the Notice to End Tenancy is already past, I dismiss this application without leave to re-apply, and, having determined that the landlord's notice to end tenancy complies with section 52 of the Act, I have issued an Order of possession, pursuant to Section 55 of the Act, enforceable 2 days after service on the tenant.

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 31, 2016

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