



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIRM MANAGEMENT CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC CNR MNDC

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, received at the Residential Tenancy Branch on September 22, 2016 (the "Application"). The Tenant applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 1 Month Notice to End Tenancy for Cause, dated September 13, 2016 (the "1 Month Notice");
- an order cancelling a 1 Month Notice to End Tenancy for Unpaid Rent or Utilities, dated June 6, 2016; and
- a monetary order for money owed or compensation for damage or loss under the Act, Regulations or a tenancy agreement.

This matter was set for hearing by telephone conference call at 9:00 A.M. (Pacific Time) on November 17, 2016. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Respondent. Therefore, as the Applicant did not attend the hearing by 9:10 A.M., and the Respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed, section 55 of the *Act* requires that I issue an order of possession in favour of the landlord if the notice complies with section 52 of the *Act*. Having reviewed the 1 Month Notice, I find it complies with section 52 of the *Act*. Accordingly, by operation of section 55 of the *Act*, I find the Landlord is entitled to an order of possession, which will be effective two (2) days after it is served 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: November 17, 2016

Residential Tenancy Branch