



Dispute Resolution Services

Page: 1

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 September 26, 2016.

This matter was set for conference call hearing at 9:00 a.m. on this date.

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.

The landlord attended the hearing at the scheduled start time. The landlord provided affirmed testimony that the dispute address on the application was incorrect. Therefore, pursuant to section 4.2 of the Act, the application was amended to reflect the dispute address included on the Notice ending tenancy issued to the tenant.

By 9:11 a.m. the tenant had not entered the hearing.

In the absence of an appearance of the tenant by 9:11 a.m. this application is abandoned and dismissed without leave to reapply.

The tenant applied to cancel a one month Notice to end tenancy for cause issued on September 26, 2016. The Notice had an effective date of October 31, 2016. A copy of the Notice supplied as evidence was in the approved form.

As the tenants' application was dismissed section 55 of the Act was applied:

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.

Therefore, pursuant to section 55 of the Act I find that the landlord is entitled to an order of possession that is effective two days after service to the tenant. This order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The tenants' 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: November 28, 2016

Residential Tenancy Branch