



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes                      CNC, MT, O

### Introduction

This hearing was scheduled for 9:30 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a 1 Month Notice to End Tenancy for Cause and an extension of time to make the application. At the commencement of the hearing the landlord was represented; however, the tenant did not appear despite leaving the teleconference call open until 9:49 a.m.

The landlord confirmed receipt of the tenant's application on November 25, 2016 and confirmed that the landlord was prepared to deal with this matter. Since the landlord appeared and was prepared to respond to the tenant's application, I dismissed the tenant's application without leave given his failure to appear.

The landlord confirmed that the tenant still occupies the rental unit and requested an Order of Possession. Accordingly, I proceed to consider whether the landlord is entitled to an Order of Possession.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The tenant is required to pay rent on the first day of every month under the tenancy agreement. On October 17, 2016 the landlord issued a 1 Month Notice to End Tenancy for Cause (1 Month Notice) to the tenant. In filing the tenant's Application, the tenant acknowledged receipt of the 1 Month Notice on October 18, 2016.

The 1 Month Notice provided for my review includes: the name of the tenant, the name of the landlord, the rental unit address, a stated effective date of November 30, 2016, reasons for ending the tenancy and is signed and dated by the landlord's agent.

The landlord acknowledged that the tenant paid for use of the rental unit for the month of December 2016 and landlord requested an Order of Possession effective December 31, 2016 or 2 days after service of the Order of Possession.

### Analysis

Section 55(1) of the 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.

Given the tenant's failure to appear at the hearing, I dismissed the tenant's application to cancel the 1 Month Notice to End Tenancy. Upon review of the 1 Month Notice to End Tenancy I am satisfied that it meets the form and content requirements of section 52 of the Act. Therefore, I find I must grant the landlord an Order of Possession pursuant to section 55(1) of the Act.

Provided to the landlord with this decision is an Order of Possession effective two (2) days after service of the Order upon the tenant.

### Conclusion

The tenant's application to cancel the Notice to End Tenancy has been dismissed. Pursuant to section 55(1) of the Act the landlord has been provided an Order of Possession. The Order of Possession is effective two (2) days after service upon 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: December 29, 2016

---

Residential Tenancy Branch

