



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, MNSD, FF

Introduction

On October 28, 2016, the Tenant submitted an Application for Dispute Resolution asking that a 1 Month Notice to End Tenancy for Cause dated October 24, 2016, (“the 1 Month Notice”) be cancelled. The Tenant also applied for: a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement; for the return of the security deposit; and to recover the cost of the filing fee.

The hearing was scheduled as a teleconference hearing. The Landlord appeared at the hearing; however, the Tenant did not. The Landlord provided affirmed testimony and was provided the opportunity to present his evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Tenant’s Application be dismissed?
- Is the Landlord entitled to an order of possession?

Background and Evidence

The Landlord testified that he issued the Tenant a Notice to end the tenancy. The Landlord testified that he served the Tenants with a 1 Month Notice To End Tenancy For Cause dated October 24, 2016, in person on October 24, 2016.

The 1 Month Notice provides information for Tenants who receive the Notice. The Notice states that a Tenant has the right to dispute the Notice within 10 days after receiving it by filing an Application for Dispute Resolution at the Residential Tenancy Branch.

The Landlord testified that the Tenant moved out of the rental unit on October 31, 2016.

The Tenant applied for Dispute Resolution to dispute the 1 Month Notice but did not appear at the hearing. The Landlord was present at the hearing and provided 35 pages of evidence in response to the Tenant's claims.

The Landlord stated that since the Tenant has moved out of the rental unit, he does not need an order of possession.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant applied for Dispute Resolution to cancel a 1 Month Notice to End Tenancy but failed to attend the hearing. Therefore, I dismiss the Tenant's Application to cancel the 1 Month Notice To End Tenancy For Cause dated October 24, 2016, and the claim for compensation, without leave to reapply.

Conclusion

The Tenant failed to attend the hearing. The Tenant's Application to cancel the 1 month Notice and claim for compensation is dismissed without leave to reapply.

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 15, 2016

Residential Tenancy Branch