



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPRIET LP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing commenced on December 15, 2016, and was adjourned to today's date, January 18, 2017. An interim decision was made which should be read in conjunction with this decision.

This reconvene hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act (the "Act") to cancel 1 Month Notice to End Tenancy for Cause, issued on October 21, 2016.

Only the landlord's agent appeared.

At the outset of the hearing the landlord stated that the style of cause should be amended to name the corporate landlord listed in the Notice. Therefore, I find it appropriate to remove the landlord's agent as a respondent and replace the respondent with the corporate landlord.

This matter was set for hearing by telephone conference call at 11:00 A.M. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 A.M., and the landlord appeared and was ready to proceed, I dismiss the tenant's application without leave to reapply.

Section 55(1) of the Act states:

Order of possession for the landlord

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.

As I have dismissed the tenant's application, pursuant to section 55 of the Act I must grant the landlord an order of possession of the rental unit.

The landlord's agent confirmed that they have received occupancy rent for January 2017 and agreed to extend the effective date to January 31, 2017.

Therefore, I find that the landlord is entitled to an order of possession **effective January 31, 2017 at 1:00 P.M.** This order must be served on the tenant and may be filed in the Supreme Court.

Conclusion

The tenant's application is dismissed. The landlord is granted an order of possession.

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: January 18, 2017

Residential Tenancy Branch