Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding IM & HYUN ENTERPRISES LTD.
and [tenant name suppressed to protect privacy]

DECISION

<u>Dispute Codes</u>   CNC

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, received at the Residential Tenancy Branch on January 25, 2017, and updated on January 27, 2017 (the "Application"). The Tenant applied for an order cancelling a 1 Month Notice to End Tenancy for Cause, dated January 15, 2017, pursuant to the *Residential Tenancy Act* (the "*Act*").

This matter was set for hearing by telephone conference call at 9:00 A.M on February 24, 2017. 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 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, and the notice to end tenancy complies with section 52 of the *Act*, section 55 of the *Act* requires that I grant an order of possession to the landlord. A copy of the 1 Month Notice to End Tenancy for Cause was submitted with the parties' documentary evidence. After careful review, I find it complies with section 52 of the *Act*. Accordingly, pursuant to section 55 of the *Act*, the Landlord is entitled to an order of possession, which will be effective on February 28, 2017, at 1:00 p.m.

<u>Conclusion</u>

The Landlord is granted an order of possession, which will be effective on February 28, 2017, at 1:00 p.m. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

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: February 24, 2017

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Residential Tenancy Branch