



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDC FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a 1 Month Notice to End Tenancy For Cause, pursuant to section 47 (the 1 Month Notice);
- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- authorization to recover the filing fee for this application pursuant to section 72.

The hearing was conducted by conference call. The tenant did not attend this hearing although it was the tenant's application. This original hearing for this application was scheduled for April 27, 2017 and was adjourned by way of an Interim decision dated April 28, 2017. The Interim decision and Notices of Reconvened hearing were sent to both parties by regular mail by the Residential Tenancy Branch.

The hearing proceeded in the absence of the tenant. As the tenant failed to attend the hearing and present evidence in support of his application, the tenant's application pertaining to a monetary order is dismissed without leave to reapply.

Issues

Is the landlord entitled to an order of possession? Is the tenant entitled to recover the filing fee for this application?

Background and Evidence

The tenancy began on October 25, 2014 and the current rent is \$1150.00 payable on the 1st day of each month. The landlord testified that on March 22, 2017 he personally served the tenant with the 1 Month Notice. The tenant's application to cancel the 1 Month Notice was filed on March 24, 2017 within the time period permitted under the Act.

Analysis

Section 47 of the Act contains provisions by which a landlord may end a tenancy for cause by giving notice to end tenancy. Under this section, a tenant may dispute a 1 Month Notice by making an application for dispute resolution within ten days after the date the tenant received the notice. If the tenant does not make an application for dispute within ten days, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

In this case the tenant filed an application to dispute the Notice within the required timeline but failed to follow through on the application by participating in the hearing. I dismiss the tenant's application to cancel the 1 Month Notice without leave to reapply and find the tenant is conclusively presumed to have accepted the tenancy ended.

I find that the Notice served by the landlord is in compliance with the form and content requirements of section 52 of the Act; therefore, the landlord is entitled to an Order of Possession pursuant to section 55 of the Act. As the tenant was not successful in this application, the tenant is not entitled to recover the filing fee.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed 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: June 08, 2017

Residential Tenancy Branch