



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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 (the 1 Month Notice), pursuant to section 47

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 9:15 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on April 1, 2017 with a monthly rent of \$1300.00 payable on the 1st day of each month.

The landlord testified that on April 30, 2017 the tenant was personally served with the 1 Month Notice.

The tenant's application to cancel the 1 Month Notice was filed on May 5, 2017 within the time period permitted under the Act.

Analysis

As the tenant filed an application to dispute the 1 Month Notice, I am satisfied that the tenant was personally served with the 1 Month Notice on April 30, 2017.

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

The tenant filed an application to dispute the Notice within the required timeline but failed to follow through on the application by attending the hearing. I dismiss the tenant's application to cancel the 1 Month Notice without leave to reapply.

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*.

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 15, 2017

Residential Tenancy Branch